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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय

(सी.टी.सी.आर.प्रभाग)

नई दिल्ली, 16 मई, 2023

का.आ. 788.—केंद्रीय सरकार, दंड प्रक्रिया संहिता 1973 (1974 का 2), की धारा 24 की उप-धारा (8) के साथ पठित राष्ट्रीय अन्वेषण अभिकरण अधिनियम, 2008 (2008 का 34) की धारा 15 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, विचारण न्यायालय में राष्ट्रीय अन्वेषण अभिकरण द्वारा शुरू किये गए मामलों, उनके नाम के सामने उल्लिखित राज्यों/संघ राज्य क्षेत्रों में विधि द्वारा स्थापित पुनरीक्षण या अपीलीय न्यायालयों में उक्त मामलों से सम्बंधित अपीलों, पुनरीक्षणों अथवा अन्य विषयों को संचालित करने हेतु निम्नलिखित अधिवक्ताओं की विशेष लोक अभियोजकों के रूप में नियुक्ति को अधिसूचित किया था, जो उनके नाम के सामने उल्लिखित अधिसूचना संख्या के माध्यम से भारत के राजपत्र असाधारण भाग-II, खंड-3, उपखंड (ii) में प्रकाशित हुए थे;

क्र. सं.	अधिसूचना सं.	अधिसूचना दिनांक	विशेष लोक अभियोजक का नाम	न्यायलय और राज्य/संघ राज्य का नाम
1.	का. आ. 2167 (अ)	01.09.2010	सुश्री रोहिणी सालियन	विशेष न्यायालय व अपीलीय न्यायालय, महाराष्ट्र
2.	का. आ. 1142 (अ)	20.05.2011	श्री अमित शर्मा	विशेष न्यायालय व अपीलीय न्यायालय, दिल्ली
3.	का. आ. 1967 (अ)	25.08.2011	श्री निशीथ पी. मेहता	विशेष न्यायालय व अपीलीय न्यायालय, गुजरात
4.	का. आ. 2359 (अ)	13.10.2011	श्री विजय कुमार गुप्ता	विशेष न्यायालय व अपीलीय न्यायालय, जम्मू एवं कश्मीर
5.			श्री बलदेव सिंह मन्हास	
6.			श्री अनिल भान	
7.	का. आ. 1546 (अ)	11.07.2012	श्री रोहित रंजन प्रसाद	विशेष न्यायालय व अपीलीय न्यायालय, झारखण्ड
8.			श्री सुशील रंजन दास	
9.	का. आ. 1548 (अ)	11.07.2012	सुश्री गीता गजमेरे	विशेष न्यायालय व अपीलीय न्यायालय, सिक्किम
10.	का. आ. 1552 (अ)	11.07.2012	श्री धर्मपाल चौहान	विशेष न्यायालय व अपीलीय न्यायालय, हिमाचल प्रदेश
11.			श्री कश्मीर सिंह ठाकुर	
12.	का. आ. 1553 (अ)	11.07.2012	श्री सी. एच. जाधव	विशेष न्यायालय व अपीलीय न्यायालय, कर्नाटक
13.	का. आ. 1720 (अ)	30.07.2012	श्री ए. मरिअरपुथम	भारत का सर्वोच्च न्यायालय और भारत का कोई भी उच्च न्यायालय
14.			श्री प्रदीप कुमार डे	
15.			सुश्री पद्मलक्ष्मी निगम	
16.	का. आ. 2789 (अ)	23.11.2012	श्री चौहान शैलेश त्रिकमलाल	विशेष न्यायालय व अपीलीय न्यायालय, दादरा एवं नगर हवेली संघ राज्य
17.	का. आ. 2790 (अ)	23.11.2012	श्री ओरलेन्डो वी. मिरांडा	विशेष न्यायालय व अपीलीय न्यायालय, दमण एवं दीव संघ राज्य
18.	का. आ. 3053 (अ)	08.10.2013	श्री पी. जी. मनु	विशेष न्यायालय व अपीलीय न्यायालय, केरल
19.	का. आ. 3056 (अ)	08.10.2013	श्री प्रदीप कुमार शर्मा	विशेष न्यायालय व अपीलीय न्यायालय, दिल्ली
20.	का. आ. 2557 (अ)	10.08.2017	श्री आर. सी. कोडेकर	विशेष न्यायालय व गुजरात उच्च न्यायालय
21.	का. आ. 1965 (अ)	25.08.2011	श्री एस. के. सूद	विशेष न्यायालय व अपीलीय न्यायालय, हरियाणा
22.	का. आ. 1547 (अ)	11.07.2012	श्री देवा प्रसाद दास	विशेष न्यायालय व अपीलीय न्यायालय, ओडिशा
23.			श्री संजीत मोहंती	
24.			श्री शक्ति प्रसाद पांडा	
25.	का. आ. 1549 (अ)	11.07.2012	श्री अरुण कुमार	विशेष न्यायालय व अपीलीय न्यायालय, उत्तर प्रदेश
26.			श्री अनुराग खन्ना	

27.	का. आ. 1550 (अ)	11.07.2012	श्री बलजीत सिंह	विशेष न्यायालय व अपीलीय न्यायालय, उत्तराखण्ड
28.	का. आ. 1551 (अ)	11.07.2012	श्री जी मोहन कीर्ति कुमार	विशेष न्यायालय व अपीलीय न्यायालय, पुदुचेरी
29.	का. आ. 294 (अ)	30.01.2015	श्री के. सुरेन्द्र	विशेष न्यायालय व अपीलीय न्यायालय, आंध्र प्रदेश एवं तेलंगाना
30.			श्री एन. हरिनाथ	
31.	का. आ. 1390 (अ)	25.05.2015	श्री उमेश कुमार शर्मा	विशेष न्यायालय व अपीलीय न्यायालय, नई दिल्ली
32.			श्री बी. एस. जून	
33.			श्री मिथिलेश कुमार झा	
34.			श्री मौलिन ज्योतिन्द्रभाई बारोट	विशेष न्यायालय व अपीलीय न्यायालय, गुजरात
35.			श्री गौरांग व्यास	
36.			श्री जेनामानी सुप्रवत एस बी जेना	विशेष न्यायालय व अपीलीय न्यायालय, ओडिशा
37.			श्री तमल कांति मुखर्जी	विशेष न्यायालय व अपीलीय न्यायालय, पश्चिम बंगाल
38.			श्री प्रधान राजेश चंद्रामल	विशेष न्यायालय व अपीलीय न्यायालय, महाराष्ट्र
39.	का. आ. 1391 (अ)	25.05.2015	सुश्री शर्मिला शेषाद्री कौशिक	बॉम्बे उच्च न्यायालय, महाराष्ट्र
40.	का. आ. 3104 (अ)	09.09.2020	श्री सुरेंदर सिंह	विशेष न्यायालय व अपीलीय न्यायालय, चंडीगढ़ और दिल्ली संघ राज्य क्षेत्र
41.			सुश्री व्येधबेगम एच. येल्लर	विशेष न्यायालय व अपीलीय न्यायालय, गोवा
42.			सुश्री छाया मिश्र	विशेष न्यायालय व अपीलीय न्यायालय, बिहार
43.	का. आ. 2672 (अ)	29.06.2021	श्री सी. ए. रविन्द्र	विशेष न्यायालय व अपीलीय न्यायालय, कर्नाटक
44.			श्री शंकर टी. विक्रमावार	
45.			श्री संजय वर्धन	कलकत्ता उच्च न्यायालय, पश्चिम बंगाल
46.			श्री राजेंद्र नाथ दास	विशेष न्यायालय व अपीलीय न्यायालय, पश्चिम बंगाल
47.			श्री अभिनन्दन बीवज्ञानी	विशेष न्यायालय व अपीलीय न्यायालय, महाराष्ट्र

और जबकि, उपरोक्त विशेष लोक अभियोजकों की नियुक्ति को समाप्त करना का निर्णय लिया गया है;

अतः अब केन्द्र सरकार उक्त अधिवक्ताओं की विशेष लोक अभियोजक के रूप में नियुक्ति को तत्काल प्रभाव से समाप्त करती है।

[फा. सं. 11011/40/2019/एनआईए]

विपुल आलोक, अवर सचिव

MINISTRY OF HOME AFFAIRS

(CTCR Division)

New Delhi, the 16th May, 2023

S.O. 788.—In exercise of the powers conferred by sub-section (1) of Section 15 of the National Investigation Agency Act, 2008 (34 of 2008), read with sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government had notified following Advocates as Special Public Prosecutors, published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii), vide notification Nos. mentioned against their names for conducting the cases instituted by the National Investigation Agency in the trial courts, appeals, revisions or other matters arising out of the case in revisional or appellate courts established by law in the States/UTs mentioned against their names:—

S.No.	Notification No.	Date of notification	Name of the Special public Prosecutor	Name of Court and State/UT
1.	S.O. 2167 (E)	01.09.2010	Ms. Rohini Salian	Trial Court and Appellate Court, Maharashtra
2.	S.O. 1142 (E)	20.05.2011	Sh. Amit Sharma	Trial Court and Appellate Court, Delhi
3.	S.O. 1967 (E)	25.08.2011	Sh. Nishith P. Mehta	Trial Court and Appellate Court, Gujarat
4.	S.O. 2359 (E)	13.10.2011	Sh. Vijay Kumar Gupta	Trial Court and Appellate Court, Jammu & Kashmir
5.			Sh. Baldev Singh Manhas	
6.			Sh. Anil Bhan	
7.	S.O. 1546 (E)	11.07.2012	Sh. Rohit Ranjan Prasad	Trial Court and Appellate Court, Jharkhand
8.			Sh. Sushil Ranjan Das	
9.	S.O. 1548 (E)	11.07.2012	Ms. Geeta Gazmere	Trial Court and Appellate Court, Sikkim
10.	S.O. 1552 (E)	11.07.2012	Sh. Dharmpal Chauhan	Trial Court and Appellate Court, Himachal Pradesh
11.			Sh. Kashmir Singh Thakur	
12.	S.O. 1553 (E)	11.07.2012	Sh. C.H. Jadhav	Trial Court and Appellate Court, Karnataka
13.	S.O. 1720 (E)	30.07.2012	Sh. A. Mariarputham	Supreme Court of India and any High Court in India
14.			Sh. Pradeep Kumar Dey	
15.			Ms. Padmalakshmi Nigam	
16.	S.O. 2789 (E)	23.11.2012	Sh. Chauhan Sailesh Trikamlal	Trial Court and Appellate Court, UT of Dadra and Nagar Haveli
17.	S.O. 2790 (E)	23.11.2012	Sh. Orlando V. Miranda	Trial Court and Appellate Court, UT of Daman and Diu
18.	S.O. 3053 (E)	08.10.2013	Sh. P.G. Manu	Trial Court and Appellate Court, Kerala
19.	S.O. 3056 (E)	08.10.2013	Sh. Pradeep Kumar Sharma	Trial Court and Appellate Court, Delhi
20.	S.O. 2557 (E)	10.08.2017	Sh. R.C. Kodekar	Trial Court and High Court, Gujarat
21.	S.O. 1965 (E)	25.08.2011	Sh. S.K. Sood	Trial Court and Appellate Court, Haryana
22.	S.O. 1547 (E)	11.07.2012	Sh. Deba Prasad Das	Trial Court and Appellate Court, Odisha
23.			Sh. Sanjit Mohanty	
24.			Sh. Shakti Prasad Panda	
25.	S.O. 1549 (E)	11.07.2012	Sh. Arun Kumar	Trial Court and Appellate Court, Uttar Pradesh
26.			Sh. Anurag Khanna	
27.	S.O. 1550 (E)	11.07.2012	Sh. Baljeet Singh	Trial Court and Appellate

				Court, Uttarakhand
28.	S.O. 1551 (E)	11.07.2012	Sh. G. Mohan Keerthi Kumar	Trial Court and Appellate Court, Puducherry
29.	S.O. 294 (E)	30.01.2015	Sh. K. Surender	Trial Court and Appellate Court, Andhra Pradesh and Telangana
30.			Sh. N. Harinath	
31.	S.O. 1390 (E)	25.05.2015	Sh. Umesh Kumar Sharma	Trial Court and Appellate Court, New Delhi
32.			Sh. B.S. Joon	
33.			Sh. Mithilesh Kumar Jha	
34.			Sh. Maulin Jyotindrabhai Barot	Trial Court and Appellate Court, Gujarat
35.			Sh. Gaurang Vyas	
36.			Sh. Jenamani Supravat S B Jena	Trial Court and Appellate Court, Odisha
37.			Sh. Tamal Kanti Mukherjee	Trial Court and Appellate Court, West Bengal
38.			Sh. Pradhan Rajesh Chandamal	Trial Court and Appellate Court, Maharashtra
39.	S.O. 1391 (E)	25.05.2015	Ms. Sharmila Shesydri Kaushik	High Court of Bombay, Maharashtra
40.	S.O. 3104 (E)	09.09.2020	Shri Surender Singh	Trial Court and Appellate Court, UT of Chandigarh and Delhi
41.			Ms. Vyedhabegam H. Yelgar	Trial Court and Appellate Court, Goa
42.			Ms. Chhaya Mishra	Trial Court and Appellate Court, Bihar
43.	S.O. 2672 (E)	29.06.2021	Sh. C.A. Ravindra	Trial Court and Appellate Court, Karnataka
44.			Sh. Shankar T. Bikkannavar	
45.			Sh. Sanjoy Bardhan	High Court of Calcutta, West Bengal
46.			Sh. Rajendra Nath Das	Trial Court and Appellate Court, West Bengal
47.			Sh. Abhinandan B Vagyani	Trial Court and Appellate Court, Maharashtra

And whereas, it has been decided to terminate the appointment of the aforementioned Special Public Prosecutors;

Now, therefore, the Central Government terminates the appointment of the aforementioned Advocates as Special Public Prosecutor with immediate effect.

[F. No. 11011/40/2019/NIA]

VIPUL ALOK, Under Secy.

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 9 मई, 2023

का.आ. 789.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 7 की उप-धारा (2) के साथ पठित धारा 6 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, डॉ. रामा श्रीनिवासन को अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले

आदेशों तक, जो भी पहले हो, राष्ट्रीय कृषि और ग्रामीण विकास बैंक (नाबार्ड) के निदेशक मंडल में अंशकालिक गैर-सरकारी निदेशक के पद पर नियुक्त करती है।

[फा. सं. 7/18/2021-एसी]

चन्द्रगुप्त शौर्य, अवर सचिव

**MINISTRY OF FINANCE
(Department of Financial Services)**

New Delhi, the 9th May, 2023

S.O. 789.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 6 of read with sub-section (2) of Section 7 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government hereby appoints Dr. Raama Sreenivasan as part-time Non-Official Director on the Board of Directors of National Bank for Agriculture and Rural Development (NABARD), for a period of three years from the date of notification or until further orders, whichever is earlier.

[F. No. 7/18/2021-AC]

CHANDRAGUPTA SHAURYA, Under Secy.

(व्यव विभाग)

नई दिल्ली, 10 मई, 2023

का.आ. 790.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजन के प्रयोग के लिए) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, एतद्वारा यह अधिसूचित करती है कि भारतीय लेखा परीक्षा और लेखा विभाग में भारत सरकार का कार्यालय, जिसमें महालेखाकार (लेखा व स्थापना) – II का कार्यालय, बिहार, पटना का नाम परिवर्तित करके प्रधान महालेखाकार (लेखा व स्थापना) का कार्यालय, बिहार, पटना किया जाएगा।

[फा. सं. ए-12034/02/2023-ई.जी.]

ऐनी जॉर्ज मैथ्यू, विशेष सचिव

(Department of Expenditure)

New Delhi, the 10th May, 2023

S.O. 790.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for Office Purpose of the Union) Rules, 1976, the Central Government hereby notifies that the office of the Government of India in the Indian Audit and Accounts Department, in which the Office of Accountant General (Accounts & Entitlement)-II, Bihar, Patna shall be renamed as the Office of the Principal Accountant General (Accounts & Entitlement), Bihar, Patna.

[F. No. A-12034/02/2023-E.G.]

ANNIE GEORGE MATHEW, Special Secy.

नई दिल्ली, 10 मई, 2023

का.आ. 791.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजन के प्रयोग के लिए) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, एतद्वारा अधिसूचित करती है कि भारतीय लेखा परीक्षा और लेखा विभाग में भारत सरकार का निम्नलिखित कार्यालय, जिसमें अस्सी प्रतिशत कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान अर्जित कर लिया है, नामतः-

महानिदेशक लेखा परीक्षा (इस्पात) रांची, शाखा कार्यालय, भिलाई।

[फा. सं. ए-12034/02/2023-ई.जी.]

एनी जॉर्ज मैथ्यू, विशेष सचिव

New Delhi, the 10th May, 2023

S.O. 791.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for Office Purpose of the Union) Rules, 1976, the Central Government hereby notifies that the following office of the Government of India in the Indian Audit and Accounts Department, in which eighty per cent. of the staff have acquired the working knowledge of Hindi, namely:—

Office of the Director General of Audit (Steel) Ranchi, Branch Office Bhilai.

[F. No. A-12034/02/2023-E.G.]

ANNIE GEORGE MATHEW, Special Secy.

विदेश मंत्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 8 मई, 2023

का.आ. 792.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के दूतावास, कुवैत में जगमोहन सिंह, सहायक अनुभाग अधिकारी, को मई 08, 2023 से सहायक कांसुलर अधिकारी के रूप में कांसुलर सेवाओं का निर्वहन करने के लिए अधिकृत करती है।

[फा. सं. टी.4330/01/2023(15)]

एस.आर.एच. फहमी, निदेशक (सीपीवी-1)

MINISTRY OF EXTERNAL AFFAIRS

(CPV Division)

New Delhi, the 8th May, 2023

S.O. 792.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Shri Jagmohan Singh, Assistant Section Officer in the Embassy of India, Kuwait as Assistant Consular Officer to perform Consular services with effect from May 8, 2023.

[F. No. T.4330/01/2023(15)]

S.R.H FAHMI, Director (CPV-I)

नई दिल्ली, 16 मई, 2023

का.आ. 793.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के दूतावास, डब्लिन में शारिल शर्मा, सहायक अनुभाग अधिकारी, को मई 16, 2023 से सहायक कांसुलर अधिकारी के रूप में कांसुलर सेवाओं का निर्वहन करने के लिए अधिकृत करती है।

[फा. सं. टी.4330/01/2023(16)]

एस.आर.एच. फहमी, निदेशक (सीपीवी-1)

New Delhi, the 16th May, 2023

S.O. 793.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Ms. Sharil Sharma, Assistant Section Officer in the Embassy of India, Dublin as Assistant Consular Officer to perform Consular services with effect from May 16, 2023.

[F. No. T.4330/01/2023(16)]
S.R.H FAHMI, Director (CPV-I)

नागर विमानन मंत्रालय

नई दिल्ली, 16 मई, 2023

का.आ. 794.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग), नियम, 1976 के नियम-10 के उप-नियम (4) के अनुसरण में, नागर विमानन मंत्रालय के अंतर्गत, भारतीय विमानपत्तन प्राधिकरण के प्रभारी अधिकारी का कार्यालय, मंगलुरु अंतरराष्ट्रीय हवाईअड्डा, जिसमें 80 प्रतिशत कार्मिकों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

[फा. सं. ई. 11014/9/2015-रा.भा.]

पीयूष श्रीवास्तव, वरिष्ठ आर्थिक सलाहकार एवं अपर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 16th May, 2023

S.O. 794.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for the Official Purposes of the Union) Rules, 1976, the Central Government, hereby notifies the Office of Officer Incharge, Mangaluru International Airport, Mangaluru, Airports Authority of India, under Ministry of Civil Aviation , whereof 80% staff have acquired the working knowledge of Hindi.

[F. No. E-11014/9/2015-OL]

PIYUSH SRIVASTAVA, Senior Economic Advisor & Addl. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 4 मई, 2023

का.आ. 795.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 5292(अ) तारीख 03 नवम्बर 2022, जो भारत के असाधारण राजपत्र संख्या 5072 तारीख 15 नवम्बर 2022, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में कर्नाटक राज्य में हासन (कर्नाटक) से चेरलापल्ली (तेलंगाना राज्य) तक ए.ल.पी.जी के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) द्वारा पाइपलाइन विद्युत के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त असाधारण राजपत्र अधिसूचना की प्रतिया जनता को तारीख 10 दिसम्बर 2022 तक उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर की उक्त भूमि पाइपलाइन विद्युत के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है की इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है की उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विलंगमों से मुक्त होकर हिन्दुस्थान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 कि धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला: चित्रदुर्ग		राज्य: कर्नाटक			क्षेत्रफल	
क्रमांक	तालुक का नाम	गाँव का नाम	सर्वे नं.	एकर्स	गुंटा	
(1)	(2)	(3)	(4)	(5)	(6)	
1	चल्लकेरे	क्यादिगुंटे	55/1	00	02	

[फा. सं. आर-12030(27)/2/2019-ओआर- I/E -30930]

पी. सोमाकुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 4th May, 2023

S.O. 795.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O.No.5292 (E) dated the 03rd November 2022, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Extraordinary Gazette of India No. 5072 dated the 15 November 2022, the Central Government declared its intention to acquire the Right of User in the land specified in the Schedule appended to that notification for the purpose of laying pipeline in state of Karnataka for transportation of LPG, from Hassan (Karnataka) to Cherlapalli (Telangana) Pipeline by Hindustan Petroleum Corporation Limited (HPCL).

And whereas copies of the said Extraordinary Gazette notification were made available to the public up to 10th December 2022.

And whereas the competent authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Central Government.

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire Right of User therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Hindustan Petroleum Corporation Limited (HPCL), free from all encumbrances.

Hindustan Petroleum Corporation Limited (HPCL) shall be exclusively liable for any compensation in terms of Section 10 of the P&MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government for any matter relating to the pipeline.

SCHEDELE

District : Chitradurga				State: Karnataka	
Sl. No.	Name of the Taluk	Name of the Village	Survey No.	Area	
				Acres	Guntas
(1)	(2)	(3)	(4)	(5)	(6)
1	Challakere	Kyadigunte	55/1	00	02

[F. No. R-12030(27)/2/2019-OR-I/E-30930]

P. SOMAKUMAR, Under Secy .

नई दिल्ली, 4 मई, 2023

का.आ. 796.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 5293(अ) तारीख 03 नवम्बर 2022, जो भारत के असाधारण राजपत्र संख्या 5073 तारीख 15 नवम्बर 2022, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में कर्नाटक राज्य में हासन (कर्नाटक) से चेरलापल्ली (तेलंगाना राज्य) तक एल.पी.जी के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) द्वारा पाइपलाइन विद्वाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त असाधारण राजपत्र अधिसूचना की प्रतिया जनता को तारीख 10 दिसम्बर 2022 तक उपलब्द करा दी गई थी;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर की उक्त भूमि पाइपलाइन विद्वाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है की इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन विद्वाने के लिए उपयोग के अधिकार का अर्जन किया जाए;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है की उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विलंगमों से मुक्त होकर हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 कि धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला: तुमकुरु			राज्य: कर्नाटक		
क्रमांक	तालुक का नाम	गाँव का नाम	सर्वे नं.	क्षेत्रफल	
				एकर्स	गुंटा
(1)	(2)	(3)	(4)	(5)	(6)
1	पावागड़ा	केंचम्मनाहल्ली	6/24	00	05
2			6/42	00	03

[फा. सं. आर-12030(27)/2/2019-ओआर- I/E -30930]

पी. सोमाकुमार, अवर सचिव

New Delhi, the 4th May, 2023

S.O. 796.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O.No.5293 (E) dated the 03rd November 2022, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Extraordinary Gazette of India No.5073 dated the 15 November 2022, the Central Government declared its intention to acquire the Right of User in the land specified in the Schedule appended to that notification for the purpose of laying pipeline in state of Karnataka for transportation of LPG, from Hassan (Karnataka) to Cherlapalli (Telangana) Pipeline by Hindustan Petroleum Corporation Limited (HPCL).

And whereas copies of the said Extraordinary Gazette notification were made available to the public up to 10th December 2022.

And whereas the competent authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Central Government.

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire Right of User therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Hindustan Petroleum Corporation Limited (HPCL), free from all encumbrances.

Hindustan Petroleum Corporation Limited (HPCL) shall be exclusively liable for any compensation in terms of Section 10 of the P&MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government for any matter relating to the pipeline.

SCHEDE

Dist: Tumakuru			State: Karnataka		
Sl. No.	Name of the Taluk	Name of the Village	Survey No.	Area	
				Acres	Guntas
(1)	(2)	(3)	(4)	(5)	(6)
1	Pavagada	Kenchammanahalli	6/24	00	05
2			6/42	00	03

[F. No. R-12030(27)/2/2019-OR-I/E-30930]

P. SOMAKUMAR, Under Secy.

नई दिल्ली, 4 मई, 2023

का.आ. 797.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 5295(अ) तारीख 03 नवम्बर 2022, जो भारत के असाधारण राजपत्र संख्या 5075 तारीख 15 नवम्बर 2022, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में कर्नाटक राज्य में हासन (कर्नाटक) से चेरलापल्ली (तेलंगाना राज्य) तक ए.पी.जी के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त असाधारण राजपत्र अधिसूचना की प्रतिया जनता को तारीख 10 दिसम्बर 2022 तक उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर की उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है की इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है की उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विलंगमों से मुक्त होकर हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला: चित्रदुर्गा			राज्य: कर्नाटक		
क्रमांक	तालुक का नाम	गाँव का नाम	क्रमांक	क्षेत्रफल	
				एकर्स	गंटा
(1)	(2)	(3)	(1)	(2)	(3)
1	हिरियुरु	1.पीलाली	119	00	07
2			40/1	00	01
3			41/1	00	01
4			41/2	00	01
5			46	00	01
6			41/8	00	02
7			48/5	00	05
8			63	00	05
9			62	00	01

(1)	(2)	(3)	(1)	(2)	(3)
10			61/2	00	03
11			112	00	01
12			58/1	00	01
13			57	00	01
14			67/4	00	12
15			72	00	02
16			70	00	14
17			147	00	05
18			192	00	13
19	हिरियुरु	2.वीरब्वनागतिहल्ली	38/3	00	23
20			26	00	08
21			25/6	00	24
22			23/2	00	01
23			23/1	00	01
24			12/1	00	17
25	हिरियुरु	3.दिंडावर	84/3	00	30
26			177	00	06
27			171	00	07
28			190	00	07
29			175	00	07
30			174	00	07
31			169	00	07
32			176	00	07
33			168/1	00	07
34			212	00	09
35			209	00	07
36			210	00	06
37			177	00	07
38			211	00	16
39	हिरियुरु	4.लायरदासरहल्ली	17/1	00	05
40			39	00	01
41			40	00	05
42			21	00	04
43			9/4	00	16
44			9/3	00	13
45			9/2	00	13
46			9/1	00	02
47			5/1	00	01

(1)	(2)	(3)	(1)	(2)	(3)
48			4/2	00	05
49	हिरियुरु	5.मडेनहल्ली	21/6	00	01
50			15/1	00	01
51			16	00	03
52			18/1	00	01
53	हिरियुरु	6.मालगोंडनहल्ली	22/19	00	12
54			22/18	00	09
55			22/24	00	04
56			22/28	00	05
57			22/11	00	05
58			22/13	00	03
59			22/6	00	14
60			15	00	02
61			52	00	09
62			53	00	06
63			54	00	10
64			55	00	07
65			56	00	06
66			57	00	09
67			60	00	09
68			61	00	09
69			63	00	07
70			64/2	00	11
71			65	00	11
72			67	00	06
73			68	00	04
74			23	00	16
75			58	00	09
76			59	00	10
77	हिरियुरु	7.काटनायकनहल्ली	55/4	00	04
78			53	00	03
79			52/1	00	36
80			76/10	00	03
81			76/8	00	18
82			99/1	00	31
83			98/4	00	02
84			25	00	01
85			23/4	00	10

(1)	(2)	(3)	(1)	(2)	(3)
86			161/2	00	10
87			161/1	00	15
88			161/3	00	05
89			204/1	00	12
90			204/2	00	09
91	हिरियुरु	8.आनेसिदरी	75/2	00	01
92			78/1	00	01
93			78/2	00	04
94			21/2	00	02
95			20/6	00	13
96			20/9	00	01
97			20/10	00	01
98			20/3	00	04
99			118/1	00	01
100			120/6	00	05
101			121/3	00	09
102	हिरियुरु	9.जे.जी हल्ली	95/7	00	05
103			101/2	00	02
104			131/1	00	01
105			141	00	02

[फा. सं. आर-12030(27)/2/2019-ओआर- I/E -30930]

पी. सोमाकुमार, अवर सचिव

New Delhi, the 4th May, 2023

S.O. 797.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O.No.5295(E) dated the 03rd November 2022, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Extraordinary Gazette of India No.5075 dated the 15 November 2022, the Central Government declared its intention to acquire the Right of User in the land specified in the Schedule appended to that notification for the purpose of laying pipeline in state of Karnataka for transportation of LPG, from Hassan (Karnataka) to Cherlapalli (Telangana) Pipeline by Hindustan Petroleum Corporation Limited (HPCL).

And whereas copies of the said Extraordinary Gazette notification were made available to the public up to 10th December 2022.

And whereas the competent authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Central Government.

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire Right of User therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Hindustan Petroleum Corporation Limited (HPCL), free from all encumbrances.

Hindustan Petroleum Corporation Limited (HPCL) shall be exclusively liable for any compensation in terms of Section 10 of the P&MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government for any matter relating to the pipeline.

SCHEDULE

Taluk: Hiriyuru		Dist: Chitradurga		State: Karnataka	
Sl. No.	Name of the Taluk	Name of the Village	Survey No.	Area	
				Acres	Guntas
(1)	(2)	(3)	(4)	(5)	(6)
1	Hiriyuru	1.Peelali	119	00	07
2			40/1	00	01
3			41/1	00	01
4			41/2	00	01
5			46	00	01
6			41/8	00	02
7			48/5	00	05
8			63	00	05
9			62	00	01
10			61/2	00	03
11			112	00	01
12			58/1	00	01
13			57	00	01
14			67/4	00	12
15			72	00	02
16			70	00	14
17			147	00	05
18			192	00	13
19	Hiriyuru	2.Veeravvanagathihalli	38/3	00	23
20			26	00	08
21			25/6	00	24
22			23/2	00	01
23			23/1	00	01
24			12/1	00	17
25	Hiriyuru	3.Dindavara	84/3	00	30
26			177	00	06
27			171	00	07
28			190	00	07
29			175	00	07
30			174	00	07
31			169	00	07
32			176	00	07
33			168/1	00	07
34			212	00	09
35			209	00	07
36			210	00	06
37			177	00	07
38			211	00	16
39	Hiriyuru	4.Layaradasarahalli	17/1	00	05
40			39	00	01
41			40	00	05
42			21	00	04

(1)	(2)	(3)	(4)	(5)	(6)
43			9/4	00	16
44			9/3	00	13
45			9/2	00	13
46			9/1	00	02
47			5/1	00	01
48			4/2	00	05
49	Hiriyuru	5.Madenahalli	21/6	00	01
50			15/1	00	01
51			16	00	03
52			18/1	00	01
53	Hiriyuru	6.Malagondanahalli	22/19	00	12
54			22/18	00	09
55			22/24	00	04
56			22/28	00	05
57			22/11	00	05
58			22/13	00	03
59			22/6	00	14
60			15	00	02
61			52	00	09
62			53	00	06
63			54	00	10
64			55	00	07
65			56	00	06
66			57	00	09
67			60	00	09
68			61	00	09
69			63	00	07
70			64/2	00	11
71			65	00	11
72			67	00	06
73			68	00	04
74			23	00	16
75			58	00	09
76			59	00	10
77	Hiriyuru	7.Katanayakanahalli	55/4	00	04
78			53	00	03
79			52/1	00	36
80			76/10	00	03
81			76/8	00	18
82			99/1	00	31
83			98/4	00	02
84			25	00	01
85			23/4	00	10
86			161/2	00	10
87			161/1	00	15
88			161/3	00	05
89			204/1	00	12
90			204/2	00	09
91	Hiriyuru	8.Anesidri	75/2	00	01
92			78/1	00	01
93			78/2	00	04
94			21/2	00	02
95			20/6	00	13
(1)	(2)	(3)	(4)	(5)	(6)

96			20/9	00	01
97			20/10	00	01
98			20/3	00	04
99			118/1	00	01
100			120/6	00	05
101			121/3	00	09
102	Hiriyuru	9.J.G Halli	95/7	00	05
103			101/2	00	02
104			131/1	00	01
105			141	00	02

[F. No. R-12030(27)/2/2019-OR-I/E-30930]

P.SOMAKUMAR, Under Secy.

नई दिल्ली, 4 मई, 2023

का.आ. 798.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 5296 (अ) तारीख 03 नवम्बर 2022, जो भारत के असाधारण राजपत्र संख्या 5076 तारीख 15 नवम्बर 2022, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में कर्नाटक राज्य में हासन (कर्नाटक) से चेरलापल्ली (तेलंगाना राज्य) तक एल.पी.जी के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) द्वारा पाइपलाइन विद्धाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त असाधारण राजपत्र अधिसूचना की प्रतिया जनता को तारीख 10 दिसम्बर 2022 तक उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर की उक्त भूमि पाइपलाइन विद्धाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन विद्धाने के लिए उपयोग के अधिकार का अर्जन किया जाए;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विलंगमों से मुक्त होकर हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 कि धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला: तुमकुर		राज्य: कर्नाटक			क्षेत्रफल
क्रमांक	तालुक का नाम	गाँव का नाम	सर्वे नं.	एकर्स	
(1)	(2)	(3)	(4)	(5)	(6)
1	सिरा	1.द्यागेरहल्ली	64/5	00	02
2	सिरा	2.होसूरू	217/3	00	01
3			225	00	01
4			127/2	00	03
5	सिरा	3.नेजंथि	150/2	00	17
6			150	00	02
7	सिरा	4.तडकलुरु	20/8	00	01
8			272	00	04
9			258	00	16
10			30/3	00	04
11			154/4	00	05
12	सिरा	5.चिरतहल्ली	170/3	00	01

[फा. सं. आर-12030(27)/2/2019-ओआर- I/E -30930]

पी. सोमाकुमार, अवर सचिव

New Delhi, the 4th May, 2023

S.O. 798.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O.No.5296 (E) dated the 03rd November 2022, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Extraordinary Gazette of India No.5076 dated the 15 November 2022, the Central Government declared its intention to acquire the Right of User in the land specified in the Schedule appended to that notification for the purpose of laying pipeline in state of Karnataka for transportation of LPG, from Hassan (Karnataka) to Cherlapalli (Telangana) Pipeline by Hindustan Petroleum Corporation Limited (HPCL).

And whereas copies of the said Extraordinary Gazette notification were made available to the public up to 10th December 2022.

And whereas the competent authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Central Government.

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire Right of User therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Hindustan Petroleum Corporation Limited (HPCL), free from all encumbrances.

Hindustan Petroleum Corporation Limited (HPCL) shall be exclusively liable for any compensation in terms of Section 10 of the P&MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government for any matter relating to the pipeline.

SCHEDELE

Dist: Tumakuru				State: Karnataka	
Sl. No.	Name of the Taluk	Name of the Village	Survey No.	Area	
				Acres	Guntas
(1)	(2)	(3)	(4)	(5)	(6)
1	Sira	1.Dyagerahalli	64/5	00	02
2	Sira	2.Hosur	217/3	00	01
3			225	00	01
4			127/2	00	03
5	Sira	3.Nejanthi	150/2	00	17
6			150	00	02
7	Sira	4.Thadakaluru	20/8	00	01
8			272	00	04
9			258	00	16
10			30/3	00	04
11			154/4	00	05
12	Sira	5.Chirathahalli	170/3	00	01

[F. No. R-12030(27)/2/2019-OR-I/E-30930]

P. SOMAKUMAR, Under Secy.

नई दिल्ली, 4 मई, 2023

का.आ. 799.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 5297(अ) तारीख 03 नवम्बर 2022, जो भारत के असाधारण राजपत्र संख्या 5077 तारीख 15 नवम्बर 2022, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में कर्नाटक राज्य में हासन (कर्नाटक) से चेरलापल्ली (तेलंगाना राज्य) तक एल.पी.जी के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त असाधारण राजपत्र अधिसूचना की प्रतिया जनता को तारीख 10 दिसम्बर 2022 तक उपलब्ध करा दी गई थी;

और सद्गम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर की उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है की इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है की उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विलंगमों से मुक्त होकर हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 कि धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला: चित्रदुर्ग		राज्य: कर्नाटक			क्षेत्रफल
क्रमांक	तालुक का नाम	गाँव का नाम	सर्वे नं.	एकड़	
(1)	(2)	(3)	(4)	(5)	(6)
1	हिरियुरु	कोडिहल्ली	88/4	00	02
2	हिरियुरु	खंडेनहल्ली	176	01	03

[फा. सं. आर-12030(27)/2/2019-ओआर- I/E -30930]

पी. सोमाकुमार, अवर सचिव

New Delhi, the 4th May, 2023

S.O. 799.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O.No.5297 (E) dated the 03rd November 2022, issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Extraordinary Gazette of India No.5077 dated the 15 November 2022, the Central Government declared its intention to acquire the Right of User in the land specified in the Schedule appended to that notification for the purpose of laying pipeline in state of Karnataka for transportation of LPG, from Hassan (Karnataka) to Cherlapalli (Telangana) Pipeline by Hindustan Petroleum Corporation Limited (HPCL).

And whereas copies of the said Extraordinary Gazette notification were made available to the public up to 10th December 2022.

And whereas the competent authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Central Government.

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire Right of User therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Hindustan Petroleum Corporation Limited (HPCL), free from all encumbrances.

Hindustan Petroleum Corporation Limited (HPCL) shall be exclusively liable for any compensation in terms of Section 10 of the P&MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government for any matter relating to the pipeline.

SCHEDE

District : Chitradurga				State: Karnataka	
Sl. No.	Name of the Taluk	Name of the Village	Survey No.	Area	
				Acres	Guntas
(1)	(2)	(3)	(4)	(5)	(6)
1	Hiriyuru	Kodihalli	88/4	00	02
2	Hiriyuru	Khandenahalli	176	01	03

[F. No. R-12030(27)/2/2019-OR-I/E-30930]

P. SOMAKUMAR, Under Secy.

नई दिल्ली, 4 मई, 2023

का.आ. 800.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 5298(अ) तारीख 03 नवम्बर 2022, जो भारत के असाधारण राजपत्र संख्या 5078 तारीख 15 नवम्बर 2022, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में कर्नाटक राज्य में हासन (कर्नाटक) से चेरलापल्ली (तेलंगाना राज्य) तक ए.पी.जी के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त असाधारण राजपत्र अधिसूचना की प्रतिया जनता को तारीख 10 दिसम्बर 2022 तक उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर की उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है की इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है की उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विलंगमों से मुक्त होकर हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 कि धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला: हासन		राज्य: कर्नाटक			क्षेत्रफल	
क्रमांक	तालुक का नाम	गाँव का नाम	सर्वे नं.			
				एकर्स	गुंटा	
(1)	(2)	(3)	(4)	(5)	(6)	
1	हासन	1.बुवनाहल्ली	100/57	00	01	
2			101/1इ	00	01	
3	हासन	2.द्यावलापुरा	49/5	00	01	
4	अरसीकरे	3.मैलानहल्ली	133	00	01	

[फा. सं. आर-12030(27)/2/2019-ओआर- I/E -30930]

पी. सोमाकुमार, अवर सचिव

New Delhi, the 4th May, 2023

S.O. 800.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O.No.5298 (E) dated the 03rd November 2022, issued under Sub-section (1) of Section 3 of the

Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Extraordinary Gazette of India No.5078 dated the 15 November 2022, the Central Government declared its intention to acquire the Right of User in the land specified in the Schedule appended to that notification for the purpose of laying pipeline in state of Karnataka for transportation of LPG, from Hassan (Karnataka) to Cherlapalli (Telangana) Pipeline by Hindustan Petroleum Corporation Limited (HPCL).

And whereas copies of the said Extraordinary Gazette notification were made available to the public up to 10th December 2022.

And whereas the competent authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Central Government.

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire Right of User therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Hindustan Petroleum Corporation Limited (HPCL), free from all encumbrances.

Hindustan Petroleum Corporation Limited (HPCL) shall be exclusively liable for any compensation in terms of Section 10 of the P&MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government for any matter relating to the pipeline.

SCHEDE

District : Hassan				State: Karnataka	
Sl. No.	Name of the Taluk	Name of the Village	Survey No.	Area	
				Acres	Guntas
(1)	(2)	(3)	(4)	(5)	(6)
1	Hassan	1.Boovanahalli	100/57	00	01
2			101/1E	00	01
3	Hassan	2.Dyavalapura	49/5	00	01
4	Arsikere	3.Mailanahalli	133	00	01

[F. No. R-12030(27)/2/2019-OR-I/E-30930]

P.SOMAKUMAR, Under Secy.

नई दिल्ली, 4 मई, 2023

का.आ. 801.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3943 (अ) तारीख 25 अक्टूबर, 2019 जो भारत के असाधारण राजपत्र संख्या 3558 तारीख 31 अक्टूबर, 2019, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में तेलंगाना राज्य में हासन से चेरलापल्ली (तेलंगाना राज्य) तक एल.पी.जी के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त असाधारण राजपत्र अधिसूचना की प्रतिया जनता को तारीख 29 नवम्बर 2019 तक उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर की उक्त भूमि पाइपलाइन विछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है की इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन विछाने के लिए उपयोग के अधिकार का अर्जन किया जाए;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है की उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विलंगमां से मुक्त होकर हिन्दुस्थान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 कि धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए हिन्दुस्थान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी। अनुसूची संलग्न है।

अनुसूची

जिला: चित्रदुर्ग				राज्य: कर्नाटक	
क्रमांक	तालुक का नाम	गाँव का नाम	सर्वे नं.	क्षेत्रफल	
				एकर्स	गुंटा
(1)	(2)	(3)	(4)	(5)	(6)
1	हिरियूर	1.पीलाली	46	00	01
2			48/5	00	01
3			63	00	01
4	हिरियूर	2.दिंडावर	42/2	00	01
5	हिरियूर	3.लायरदासरहल्ली	39	00	04
6			7/1	00	01
7			5/2	00	03
8	हिरियूर	4.आनेसिदरी	20/9	00	04
9			119/2	00	02
10			120/7	00	03
11			121/2	00	03
12			113/7	00	03
13	हिरियूर	5.जे जी हल्ली	131/4	00	01
14			128/4	00	02

[फा. सं. आर-12030(27)/2/2019-ओआर- I/E -30930]

पी. सोमाकुमार, अवर सचिव

New Delhi, the 4th May, 2023

S.O. 801.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O No 3943 (E) dated the 31st October, 2019 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Extraordinary Gazette of India No. 3558, Dated 31.10.2019 the Central Government declared its intention to acquire the Right of User in the land specified in the Schedule appended to that notification for the purpose of laying pipeline in state of Karnataka for transportation of LPG,

from Hassan (Karnataka) to Cherlapalli (Telangana) Pipeline by Hindustan Petroleum Corporation Limited (HPCL).

And whereas copies of the said Extraordinary Gazette notification were made available to the public up to 29/11/2019

And whereas the competent authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Central Government.

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire Right of User therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Hindustan Petroleum Corporation Limited (HPCL), free from all encumbrances.

Hindustan Petroleum Corporation Limited (HPCL) shall be exclusively liable for any compensation in terms of Section 10 of the P&MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government for any matter relating to the pipeline.

SCHEDULE

District : Chithradurga				State: Karnataka	
SL. No	Name of the Taluk	Name of the Village	Survey No.	Area	
				Acres	Guntas
(1)	(2)	(3)	(4)	(5)	(6)
1	Hiriyuru	1.Peelali	46	00	01
2			48/5	00	01
3			63	00	01
4	Hiriyuru	2.Dindavara	42/2	00	01
5	Hiriyuru	3.Layaradasarahalli	39	00	04
6			7/1	00	01
7			5/2	00	03
8	Hiriyuru	4.Anesidri	20/9	00	04
9			119/2	00	02
10			120/7	00	03
11			121/2	00	03
12			113/7	00	03
13	Hiriyuru	5.J G Halli	131/4	00	01
14			128/4	00	02

[F. No. R-12030(27)/2019-OR-I/E-30930]

P. SOMAKUMAR, Under Secy.

नई दिल्ली, 11 मई, 2023

का.आ. 802.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के प्रशासनिक नियंत्रणाधीन सार्वजनिक क्षेत्र के उपक्रम के निम्नलिखित कार्यालय को, जिनके 80 या अधिक प्रतिशत कर्मचारी वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:-

हुबली डिपो,
इण्डियन ऑयल कॉर्पोरेशन लिमिटेड (विपणन प्रभाग),
पीबी रोड, पीओ रायापुर,
जिला – धारवाड, कर्नाटक – 580009

[फा. सं. 11012/3/2021-रा.भा.]
शोभना श्रीवास्तव, उप निदेशक (राजभाषा)

New Delhi, the 11th May, 2023

S.O. 802.—In pursuance of Sub Rule (4) of Rule 10 of the Official Language (Use for official purpose of the Union) Rules, 1976, the central Government hereby notifies the following office of the Public Sector undertaking under the administrative control of the Ministry of Petroleum & Natural Gas, in which 80 or more percent of the staff have acquired working Knowledge of Hindi:—

Hubli Depot,
Indian Oil Corporation Limited (Marketing Division),
PB Road, PO Rayapur, Distt. - Dharwad, Karnataka – 580009

[F. No. 11012/3/2021-OL]
 SHOBHANA SRIVASTAVA, Dy. Director (OL)

श्रम और रोजगार मंत्रालय

नई दिल्ली, 6 दिसम्बर, 2022

का.आ. 803.—राष्ट्रपति, श्री दिनेश कुमार सिंह, पीठासीन अधिकारी केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, भुवनेश्वर को दिनांक 07.12.2022 से छः माह तक की अवधि अथवा नियमित आधार पर पद के भरे जाने तक अथवा अगले आदेश तक, जो भी पहले हो तब तक, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, जबलपुर के पीठासीन अधिकारी के पद का अतिरिक्त प्रभार सौपते हैं।

[फा. सं. अ-11016/04/2021-सीएलएस.॥(ई)]

धनञ्जय शर्मा, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 6th December, 2022

S.O. 803.—The President is pleased to entrust the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Jabalpur to Sh. Dinesh Kumar Singh, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar for a period of six months with effect from 07.12.2022 or till the post is filled on regular basis or until further orders, whichever is the earliest.

[F. No. A-11016/04/2021-CLS-II(E)]
 DHANANJAY SHARMA, Under Secy.

नई दिल्ली, 31 जनवरी, 2023

का.आ. 804.—राष्ट्रपति, श्री लक्ष्मी नारायण जिंदल, पीठासीन अधिकारी केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय न. 2, मुंबई को कार्यभार ग्रहण करने की तिथि से छः माह तक की अवधि अथवा नियमित आधार पर पद के भरे जाने तक अथवा अगले आदेश तक, जो भी पहले हो तब तक, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, नागपुर के पीठासीन अधिकारी के पद का अतिरिक्त प्रभार सौपते हैं।

[फा. सं. अ-11016/05/2021-सीएलएस-II(ई)]
 धनञ्जय शर्मा, अवर सचिव

New Delhi, the 31st January, 2023

S.O. 804.—The President is pleased to entrust the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Nagpur to Shri Laxmi Narain Jindal, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai for a period of six months

with effect from the date of assumption of charge or till the post is filled on regular basis or until further orders, whichever is the earliest.

[F. No. A-11016/05/2021-CLS-II(E)]
DHANANJAY SHARMA, Under Secy.

नई दिल्ली, 27 मार्च, 2023

का.आ. 805.—राष्ट्रपति, श्री डॉ शैलेन्द्र कुमार ठाकुर, पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, धनबाद-II को सौंपे गए केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, धनबाद-I के पीठासीन अधिकारी के अतिरिक्त प्रभार को दिनांक 02.04.2023 से छः माह तक अथवा नियमित रूप से पद भरे जाने तक अथवा अगले आदेशों तक, इनमें जो भी पहले हो तक विस्तृत करते हैं।

[फा. सं. अ-11016/04/2021-सीएलएस-II(ई)]
धनञ्जय शर्मा, अवर सचिव

New Delhi, the 27th March, 2023

S.O. 805.—The President is pleased to extend the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I entrusted to Dr. Shailendra Kumar Thakur, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-II for a further period of six months with effect from 02.04.2023 or till the post is filled up on regular basis, or until further orders, whichever is the earliest.

[F. No. A-11016/04/2021-CLS-II(E)]
DHANANJAY SHARMA, Under Secy.

नई दिल्ली, 27 मार्च, 2023

का.आ. 806.—राष्ट्रपति, श्री सुनील कुमार सिंह-I, पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, अहमदाबाद को सौंपे गए केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, जयपुर के पीठासीन अधिकारी के अतिरिक्त प्रभार को दिनांक 05.03.2023 से छः माह तक अथवा नियमित रूप से पद भरे जाने तक अथवा अगले आदेशों तक, इनमें जो भी पहले हो तक विस्तृत करते हैं।

[फा. सं. अ-11016/04/2021-सीएलएस-II(ई)]
धनञ्जय शर्मा, अवर सचिव

New Delhi, the 27th March, 2023

S.O. 806.—The President is pleased to extend the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Jaipur entrusted to Sh. Sunil Kumar Singh-I, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad for a further period of six months with effect from 05.03.2023 or till the post is filled up on regular basis, or until further orders, whichever is the earliest.

[F. No. A-11016/04/2021-CLS-II(E)]
DHANANJAY SHARMA, Under Secy.

नई दिल्ली, 27 मार्च, 2023

का.आ. 807.—राष्ट्रपति, श्रीमती दीप्ति मोहपात्रा, पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण सह थ्रम न्यायालय, चैन्सी को सौंपे गए केन्द्रीय सरकार औद्योगिक अधिकरण सह थ्रम न्यायालय, एन्ऱाकुलम के पीठासीन अधिकारी के अतिरिक्त प्रभार को दिनांक 19.02.2023 से छः माह तक अथवा नियमित रूप से पद भरे जाने तक अथवा अगले आदेशों तक, इनमें जो भी पहले हो तक विस्तृत करते हैं।

[फा. सं. अ-11016/04/2021-सीएलएस-II(ई)]

धनञ्जय शर्मा, अवर सचिव

New Delhi, the 27th March, 2023

S.O. 807.—The President is pleased to extend the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Ernakulam entrusted to Smt. Dipti Mohapatra, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Chennai for a further period of six months with effect from 19.02.2023 or till the post is filled up on regular basis, or until further orders, whichever is the earliest.

[F. No. A-11016/04/2021-CLS-II(E)]

DHANANJAY SHARMA, Under Secy.

नई दिल्ली, 9 मई, 2023

का.आ. 808.—औद्योगिक विवाद अधिनियम, 1947 का 14 की धारा 17 के अनुसरण में केन्द्रीय सरकार तमिलनाडु ग्राम बैंक प्रबंधतत्र के सबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट आद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्सी के पंचाट संदर्भ संख्या (19/2021) को प्रकाशित करती है।

[सं. एल-12025/01/2023- आई आर (बी- I) -56]

सलोनी, उप निदेशक

New Delhi, the 9th May, 2023

S.O. 808.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.19/2021) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai as shown in the Annexure, in the industrial dispute between the management of Tamil Nadu Grama Bank and their workmen

[No. L-12025/01/2023- IR(B-I)-56]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM – LABOUR COURT

CHENNAI

ID No. 19/2021

Present: **DIPTI MOHAPATRA, LL.M.**
PRESIDING OFFICER
Date: 02.03.2023

Sh. S. Marimuthu
S/o Sankara Mahalingam
No. 1/48, Colony Street
Vayali Subbulapuram

Sankarankovil Taluk

Tiruelveli District

: 1st Party/Petitioner

AND

The Chairman

Tamil Nadu Grama Bank

Head Office

Yercaud Road

Salem – 7

: 2nd Party /Second Respondent

Appearance:

For the 1st Party/Petitioner : None

For the 2nd Party/Respondent : M/s Aiyar & Dolia

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. M.No. 7/5/2021-A1 dated 30.04.2020 referred the following Industrial Dispute to this Tribunal for adjudication

The schedule mentioned in that order is:

“Whether the action of the Management in dismissing Sri S. Marimuthu from the post of Office Attendant w.e.f. 23.10.2019 is legal and justified? If not, to what relief the workman is entitled to?”

2. On receipt of the above reference dtd. 03.04.2020 from the appropriate Government, the dispute was registered as ID No. 19/2021 and due notices were issued to both the parties for their appearance fixing the case to 31.08.2021. Neither the Petitioner nor any Counsel / Authorized Representative turned up. The Respondent entered appearance through its counsel who files V.nama. The case was accordingly adjourned for the purpose intervening several adjournments (almost 4 adjournments till 27.12.2021). On that day, none appeared on behalf of the Petitioner. Not a single petition was filed by him or by any Authorized Representative / Counsel. However for the interest of justice, the petitioner was afforded with some more adjournments i.e. 31.10.2022 and 02.03.2022, directing him to appear and to file claim statement and documents. The Petitioner did not turn up resulting further adjournment to 25.04.2022. The Petitioner did not turn up. The Respondent's Counsel filed memo raising objection to reschedule the case to any other date but to dispose of in accordance with law. However without resorting to any coercive step against the Petitioner the Tribunal so-motto afforded one more adjournment as last chance fixing the case to 15.06.2022. The Petitioner did not turn up nor furnished Claim Statement in any manner available to him. The case was reserved for Final Order. It would not be out of place to mention that Petitioner did not appear till the date nor filed any petition to file Claim Statement.

3. It reveals that despite of many opportunities though afforded in favour of the Petitioner, no progress was noticed in the ID case, simply because of non-appearance and non-compliance by the Petitioner In the circumstance it deems proper not to re-list the case for the same purpose. The case was accordingly posted for final order. The Petitioner did not turn up till the date.

4. In view of the discussion held supra, it is crystal clear that the Petitioner has got no interest to proceed with the case. Thus, the Tribunal is not a position to adjudicate the dispute as referred by the Appropriate Government as there exists no Industrial Dispute for adjudication as per the reference.

In the result the reference is answered against the petitioner.

An Award is passed accordingly,

DIPTI MOHAPATRA, Presiding Officer

नई दिल्ली, 10 मई, 2023

का.आ. 809.—ऑद्योगिक विवाद अधिनियम, 1947 1947 का 14 की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया प्रबंधतंत्र के सबद्व नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण हैदराबाद के पंचाट संदर्भ संख्या (28/2009) को प्रकाशित करती है।

[सं. एल-12011/37/2009-आई आर(बी- II)]

सलोनी, उप निदेशक

New Delhi, the 10th May, 2023

S.O. 809.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.28/2009) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen.

[No. L-12011/37/2009- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present : Sri IRFAN QAMAR, Presiding Officer

Dated the day of 23rd day of March, 2023

INDUSTRIAL DISPUTE No. 28/2009

Between:

Sri K.N. Patnaik,

Bank of India Staff Union (A.P.)

C/o Bank of India,

Visakhapatnam Main Branch,

Dwarakanagar,

Visakhapatnam – 530016.

..... Petitioner

AND

The Sub-Divisional Officer,

Telecom,

Mahaboobabad,

Warangal District-506 101.

.... Respondent

Appearances:

For the Petitioner : Sri Y. Ranjith Reddy, Advocate

For the Respondent: Sri V.S.R. Murali Krishna, Advocate

AWARD

This is a reference from Government of India, Ministry of Labour vide its order No. L-12011/37/2009-IR(B.II) dated 5.6.2009 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Bank of India and their workman. The reference is,

SCHEDELE

“Whether the action of the Management of Bank of India, Zonal Office, Visakhapatnam in awarding punishment of compulsory retirement to Shri M. Krishna Rao, Ex-Cashier, Amadalavalasa Branch is legal and justified? What relief the concerned workman is entitled?”

On receipt of the reference this Tribunal has registered and numbered the reference as I.D. No. 28/2009 and issued notices to both the workman and the management. They both appeared before the court and engaged their respective counsels with the leave of the court and consent of either party.

2. The averments made in the claim statement in brief are as follows:

It is submitted that Petitioner was initially appointed as sepoy (sub- staff) and after 13 years of service, he was promoted as Clerk-cum-Cashier with effect from 21.4.1998. While working at Amadalavalasa branch he

discharged his duties with utmost sincerity and without any adverse remarks. While the petitioner was working at Amadalavalasa Branch, on 09.02.2004 a sum of Rs.90,000/- was deposited in the A/c. No.28 M/s.Vijayalakshmi Traders by one, Sri P.K.Bhala. However, the AELPM (Automatic Electronic Ledger posting Machine) operator of the Bank scrolled the voucher and wrongly posted the deposited amount as Rs.20,000/-. The discrepancy was noticed while tallying the cash at the end of the day. Thereupon, the petitioner who was working Clerk-cum- Cashier, brought the said fact to the notice of the In-charge Manager Sri R. Padmanabhan, who advised the petitioner to keep the excess amount of Rs.70,000/- in the safe vault of the bank. The next day on the advice of the said official, as no customer came to the bank claiming the said amount, the petitioner with the bonafide intention to pay the amount to the rightful claimant kept the amount in his account. He had to leave for Chennai on 15.02.2004 for training and resumed duty only on 23.02.2004. Meanwhile on 16.02.2004 the regular Branch Manager Sri G.L.Kamesh resumed duty. On his return from Chennai the said Sri Kamesh enquired about the excess cash and after the petitioner appraised him of what transpired, Sri Kamesh did not give any instructions as to the manner in which the excess was to be dealt with. Sometime later as it was learnt that one, Sri P.K.Bhala deposited an amount of Rs.90,000/- on 09.02.2004 and the amount in excess of the amount entered the cash book viz., Rs.70,000/- belongs to M/s. Vijayalakshmi Traders, the said amount was handed over to him under receipt and he deposited the said amount into the Bank. The petitioner further submitted that a memo dated 23.6.2004 was issued to him calling for his explanation regarding the retention of the excess amount of Rs.70,000/- received on 09.02.2004. He submitted his explanation but the same was not accepted and a regular departmental enquiry was ordered. After conclusion of the enquiry a notice dated 20.04.2005 was issued to him to show cause against his compulsory retirement from service. The petitioner submitted his explanation and also made oral submissions as he was called for personal hearing. However, the explanation was not accepted by the Disciplinary Authority and he was awarded the punishment of compulsory retirement from service with effect from 01.7.2005. The appeal preferred by the petitioner against the said order was dismissed. His last pay drawn was Rs.16,000/-P.M., and during the last five years, being unable to secure any alternative employment he has been struggling a lot to make both ends meet and maintain his family. It is further submitted that the compulsory retirement order issued against the petitioner is unsustainable either under law or on facts. Firstly, a common disciplinary enquiry has been ordered against the petitioner and the then Branch Manager. The evidence of Sri G.L .Kamesh, who was also charge sheeted was let into prove the petitioner's alleged delinquency. Sri P.K. Bhala was not examined and as such there is no evidence that with the oblique motive of having wrongful gain for himself, the petitioner unlawfully retained the amount of Rs.70,000/- out of the amount of Rs.90,000/- deposited on behalf of M/s. Vijaya Lakshmi Traders, Amadalavalasa. The Disciplinary Authority and the Appellate Authority failed to notice that no specific complaint was made against the petitioner by Sri P.K.Bhala and that only with a dishonest intention the amount of Rs.90,000/- deposited by him on 09.02.2004 was not credited to the account of M/s. Vijayalakshmi Traders. The Disciplinary Authority and the Appellate Authority failed to appreciate the fact that neither the Branch Manager nor the Assistant Manager Sri Padmanabhan, nor any one of the other members of the staff deposed against the petitioner and that retention of the excess amount by the petitioner was solely on account of the lack of proper guidance and correct instructions by the in-charge Manager Sri Padmanabhan or the regular Branch Manager Sri G.L.Kamash. It ought to have been seen that if really the petitioner had dishonest intention to wrongfully appropriate the excess amount for himself, he would not have brought the discrepancy relating the said amount to the notice of the in-charge Manager immediately after the same was noticed. The petitioner only acted in a bonafide manner acting under the instructions of the in-charge Manager, who himself did not seem to know the manner in which such excess amount, when noticed, was to be dealt with. The petitioner submitted that while issuing the show- cause notice, the Disciplinary Authority did not furnish a copy of the enquiry report and such omission resulted in gross injustice and is violative of the principles of natural justice. The Disciplinary Authority and appellate Authority also ought to have seen that only because the mistake committed by the AELPM Operator Sri. K. Shyamala Rao, in posting the amount remitted on behalf of M/s. Vijayalakshmi Traders was a genuine one, as the figure '9' appearing in the voucher written in Hindi looked like the Arabic numerical "2", a fresh voucher for Rs.90,000/- was got prepared under the instructions of the Manager, long after the event. The Disciplinary Authority and the Appellate Authority ought to have seen that no specific charges have been framed and only a comprehensive conclusion was made that the petitioner's acts mentioned in the charge sheet, it proved would tantamount to gross misconduct within the meaning of clause 5 (J) of the Bipartite Settlement dated 10.4.2002. The Disciplinary Authority and the Appellate Authority ought to have seen that the Presenting Officer unequivocally stated in his report that the allegation in para.2 of the charge sheet constituting the charge "is not proved" (emphasis supplied. The bonafides of the petitioner were not viewed with open mind both by the Disciplinary Authority and this Appellate Authority. The punishment of compulsory retirement from service in any event is excessive and out of proportion to the delinquency alleged. The enquiry conducted against the petitioner is not a valid in the eye of law. Therefore, prayed for declaring the action of the Respondent Management in compulsorily retiring the petitioner from his service as arbitrary and illegal, unfair, unjust, and unreasonable and opposed to the principles of natural justice and consequently direct the

Respondent Management to reinstate the petitioner into service with full back wages, continuity of service and all other attendant benefits.

3. The Respondent filed counter denying the averments of the claim statement as under:

The Petitioner worked as Staff clerk-Head Cashier at Amudalavalasa branch of Bank of India during June 1998 to June 2004. One PK Bhala, a customer of the Respondent Bank. Amudalavalasa Branch deposited cash of Rs.90, 000/- on 09-02-2004 in CC Ac No. 28 of M/s. Vijaya Lakshmi Traders. However, K Shyamala Rao, Staff of Automatic Electronic Ledger Posting Machine Operator scrolled the vouchers and wrongly posted and deposited amount as Rs.20, 000/-. One Bangaru Raju, Daftary, who was then sitting in the Cash Department counted the cash to be Rs.90,000/- and made entries in the Receipts Cash book. When the Receipt Scroll Book and Receipt Cash Book were checked in the evening difference of excess cash of Rs.70, 000/- was noticed. The Petitioner Sri M. Krishna Rao instead of bringing this to the notice of the concerned officer, kept the excess cash of Rs 70,000/- of the customer for himself with dishonest intention and deposited the excess cash in his own OD account, with a view to save interest and causing wrongful financial gain to himself, namely, bringing the debit balance of his OD account from Rs. 3,45,848/- to Rs.2,75,848/-. He thus misappropriated Rs.70, 000.00. Upon scrutiny of the overdraft account of M Krishna Rao revealed that he had utilized the amount for his personal use. On 21.3.2004, Sri P K Bhala informed the Branch Manager that there was a short credit of Rs.70, 000/- in the CC Account No 28 of M/s Vijayalaxmi Traders as against deposit of Rs.90, 000/- cash deposited by him on 09.02.2004. On 22.03.2004 on verification of records and seeing the alterations, the Manager questioned petitioner about the same and the Petitioner admitted that there was excess cash of Rs.70,000/- detected on 09.02.2004 and that he deposited the same in his OD Account. Sri PK Bhala and OP Bhala came to the Branch and demanded the excess amount be deposited in their CC Account and the Petitioner paid cash of Rs.70, 000/- to Mr Bhala. He submitted written statement dated 8.06.2004, in which he had stated that he paid this amount into the CC account of 28 of M/s Vijaya Laxmi Traders on 22.3.2004. On a complaint addressed to the Zonal Manager, Visakhapatnam Zone, the matter was entrusted to Assistant General manager(Investigation) for detailed investigation into the misdeeds of the petitioner. The AGM (Investigation) Mr. Chenadrasekharan had conducted investigation at the branch and had taken statements of the concerned personnel and obtained copies of the accounts including the OD account of the Petitioner. The Petitioner had in his statement before the AGM (Investigation) admitted that the excess cash deposited in CC Account of the customer was deposited in his OD account. AGM had submitted his Investigation report and the Bank decided to hold departmental enquiry. A charge memo was issued to the Petitioner on 20.10.2004 by Disciplinary Authority and the Petitioner denied the charges. One Sri KSM Sastry was appointed as Enquiry officer and Departmental enquiry was held into the charges against the Petitioner. The Petitioner was given a fair chance to represent his case. The Petitioner was defended by official of his choice, Sri V. Rama Koti, President of BOI staff Union. The entire proceedings were conducted in tune with the laid down procedures of the Bank and as per the provisions of Bi-Partite Settlement, which is applicable to the Award staff members of the Bank to which the Petitioner belongs. The Petitioner participated in the enquiry duly represented by Defence representative of his choice. He was given reasonable opportunity duly recording his point of view in the departmental enquiry. The presenting officer had filed 21 documents including the investigation report of the AGM(Investigations).The AGM was also examined as one of the witnesses. The Petitioner's representative cross examined all the witnesses. The Petitioner had not examined any witness but filed a letter of the customer dated 10.08.2004 as his document, which was obviously obtained by exerting pressure on the customer. The Presenting Officer and Defence representative submitted written briefs. After the conclusion of the departmental enquiry proceedings, the enquiry officer has submitted his report and findings on 27.1.2005 holding that the charges against the Petitioner proved. A copy of the report was furnished to Petitioner. A show cause dated 20.4.2005 proposing punishment was issued to him, wherein the punishment of 'Compulsory Retirement' from Bank's service was proposed to be imposed upon him. The Petitioner has submitted his explanation on 31.5.2005 inter-alia stating that the depositing of amount into his account was purely due to the ignorance of procedural aspects and breach of rules. The Petitioner was also given opportunity of personal hearing by the Disciplinary Authority. The Disciplinary Authority considered the case of the Petitioner in detail, evidence on record and passed order of punishment dated 28.06.2005. The Petitioner filed Appeal on 12.08.2005 and the Appellate Authority rejected his Appeal on 18.10.2005. The Management conducted fair enquiry as per the prescribed procedure and the Petitioner was given fair and ample opportunity as per the procedures laid down in this regard by the Bank. Excess cash if any, found by the cashier had to be brought to the notice to the higher officials has to be found out by verifying the Bank's records, ie., Paying-in slips and by tallying the entries made in the receipts, Cash Book, with that in the Receipt Scroll Book on the same day. If it is not traced, for any reason, the amount has to be credited to Sundry Credits Account of the Bank, but definitely not to the personal account of cashier. In this case, it is evident from the records, that the excess cash was received on account of CC account No. 28 and in his statement, the petitioner stated that the account holder of CC 28 was a friend of him and that his intention are not bad. If so, he would have immediately contacted the customer even if the mistake was found at the fag end of the day, as the customer is very much

available locally and is traceable by the account number. After examining the merits and demerits of the submissions made by petitioner and also perusing the entire records of the enquiry, the Disciplinary Authority has passed punishment order dated 28.6.2005 imposing punishment of compulsory retirement from Bank's service, as per the provisions of Bi-partite Settlement. The petitioner has submitted Appeal on 12.8.2008 against this punishment order issued by the Disciplinary Authority to the Appellate Authority. In the said appeal he alleged. (a) That during the departmental enquiry, he was made to sit mute spectator and no attempt was made by the Presenting Officer to find out whether written statement submitted by him was given on his own accord or under coercion b) That as a promotee clerk from sub staff cadre, he was not aware of the rules and procedures of the Bank and after taking the opinion of the Officer-in-charge, he kept the cash in Cash Chest in a closed cover and on the next day deposited the same in his OD account with the permission of the Officer-in-charge. He did not do so with any malafide intention. The Appellate Authority while confirming the punishment of Compulsory retirement from Bank's service that was imposed upon the petitioner by the Disciplinary Authority made the following observations: (a) Enquiry records revealed that after the appellant/ Petitioner denied the charge levelled against him, the Enquiry Officer permitted the Appellant to be represented in the enquiry by Trade Union leader of his choice and Mr. V Ramakoti, State President of Bank of India Staff Union, AP Unit was chosen as his Defence Representative. The produced the Presenting Officer investigating Officer as Management Witness in the enquiry, the said witness was categorical in deposing that he never compelled, coerced or member customer threatened any stage during his investigation. During the course of cross, defence could not examine was unable testimony of this witness. The Appellant/ his Defence to prove his innocence in the submissions enquiry, he must have made all his through the said representative and if the Appellant is a mute witness. as stated by him in his appeal. The same may be on account of his own choice. Records do not reveal that the appellant wanted to state something and they were not cognizance. given due (b) Ignorance of rules and procedure can not be taken as an appellant, viz., excuse. The basic act of the crediting a part of the customer's cash into his own OD account cannot be said to have been done due to ignorance. His contention of having done so at the advice to the Officer in charge remains unsubstantiated in the enquiry. Hence, his submission in this regard is not tenable. The Appellant's further submission that such act was not done by him with intention any malafide lacked force in as much as he returned the amount in the question, i.e., Rs.70,000/- to customer only after the latter complained about short deposit in his account. (d) That the Petitioner was given ample opportunity to make his point of view in the departmental enquiry and on his own he appointed Trade Union Leader of his choice, ie., Mr V Ramakoti State President of Bank of India Staff Union, AP Unit. The statement of Petitioner that he was made to sit as a mute spectator and no attempt was made by the Presenting Officer to find out whether the written statement submitted by the appellant was given by his own accords or under coercion. The allegation of the Petitioner that common disciplinary proceedings were held against the Petitioner and the Branch manager was not correct. Only preliminary enquiry was held against all who were suspected of delinquency. The enquiry revealed that the Petitioner mis-utilized the bank's cash with malafide intentions. Though the cash was found to be in excess on the same day of happening, it was misutilized by Mr Krishna Rao by depositing in his personal overdraft account kept the same in his account till the receipt of claim by the customers to the branch which speaks for itself about the malafide intentions of the employee. He is expected to exhibit utmost integrity in tracing out the account in which the excess cash is received and should have made it good immediately. It was not that difficult to trace the difference in cash received to the CC account No.28 of M/s.Vijaya Laxmi Traders, perusing the entries made both in the Receipt Scroll Book and receipt cash book to balance the cash on that day. The contention of the Petitioner is not correct. In several representations submitted by him including Appeal, the Petitioner had not complained that enquiry report was not furnished to him. He made reference to the report of enquiry officer in his reply to show cause notice. The appeal submitted by Mr. Krishna Rao was disposed off by the appellate authority in his speaking order. It is therefore not correct to state Mr. Krishna Rao has been deprived of the justice and the entire enquiry was totally biased. In view of the above circumstances, the claim of the Petitioner be dismissed.

4. Petitioner filed chief examination affidavit and got marked Photostat copies of six documents i.e., Ex.W1 to W6 in support of his claim. Respondent counsel cross examined Petitioner. At this stage, Petitioner filed memo not disputing the enquiry conducted by Respondent, hence, the domestic enquiry conducted by the Respondent is held legal and valid vide order dated 28.9.2018. In view of the order dated 28.9.2018, the examination of Petitioner as well as documents marked in support of his claim becomes null and void and only documents marked in domestic enquiry conducted by Respondent will be considered in passing the award.

5. Heard. Petitioner as well as Respondent has filed written arguments.

6. Perused the record.

7. **On the basis of pleadings of both the parties, following issues are emerging for determination of this case:-**

I. Whether the action of the Management of Bank of India Zonal Office, Visakhapatnam, in awarding the punishment of compulsory retirement to Sri M. Krishna Rao, Ex-cashier, Amadalavalasa, is legal and justified?

II. To what relief the workman concerned is entitled for?

8. **Point No.I & II:** The Petitioner submitted that he was initially appointed as sub-staff in the Respondent bank and after 13 years of his services he was promoted as clerk cum cashier w.e.f. 21.4.98. While working at Amadalavasa branch he discharged his duties with utmost sincerity. He submitted that on 09.02.2004, one customer Sri P.K.Bhala, A/c. No.28 M/s.Vijayalakshmi Traders had deposited a sum of Rs.90,000/- . However, the AELPM (Automatic Electronic Ledger posting Machine) operator of the Bank scrolled the voucher and wrongly posted the deposited amount as Rs.20,000/- . The discrepancy was noticed while tallying the cash at the end of the day. Thereupon, the petitioner who was working Clerk-cum- Cashier, brought the said fact to the notice of the In-charge Manager Sri R. Padmanabhan and who advised the petitioner to keep the excess amount of Rs.70,000/- in the safe vault of the bank. It is further submitted that the next day on the advice of the said official, with bonafide intention to pay the amount to the rightful claimant Petitioner kept the amount in his account. He had to leave for Chennai on 15.02.2004 for training and resumed duty only on 23.02.2004. It is further submitted mean while a memo dated 23.6.2004 was issued to him calling for his explanation regarding retention of the excess amount of Rs.70,000/- received on 09.02.2004. He submitted his explanation but the same was not accepted and a regular departmental enquiry was ordered. After conclusion of the enquiry a notice dated 20.04.2005 was issued to him to show cause against his compulsory retirement from service. The petitioner submitted his explanation and also made oral submissions as he was called for personal hearing. However, the explanation was not accepted by the Disciplinary Authority and he was awarded the punishment of compulsory retirement from service with effect from 01.7.2005. The appeal preferred by the petitioner against the said order was dismissed. The first contention of the Petitioner is that the Respondent during the enquiry has not examined the complainant Sri P.K. Bhala and entire charge sheet was not proved and his punishment of compulsory retirement is liable to be set aside.

9. In this regard Respondent submitted that the objective of the enquiry was to examine whether or not the bank's money was transferred to the account of the employee and delinquency of the Petitioner has been clearly established in the enquiry. Account statement of the complainant which is part of the record clearly establishes this fact.

10. The money deposited by customer Shri P.K. Bhale should have been credited in his account by the Petitioner employee and bank was custodian of that money. But out of Rs.90000/- amount which was deposited by the customer, Petitioner deposited only Rs.20000/- in the customer account and rest Rs.70000/- amount he kept in his personal account for number of days without any authority. This fact has been admitted by the Petitioner and also proved by record of bank account during enquiry. Therefore, hence this act of Petitioner can not be said bonafide one. Since matter of delinquency of Petitioner pertains to documentary evidence i.e., bank records, the workman's contention that the Branch Manager, Asst. Manager or any other member did not depose against the Petitioner in enquiry is of no avail to him. In view of documentary evidence, the workman's oral testimony is not acceptable.

On the other hand, Respondent to fortify his contention has cited certain decisions of Hon'ble Apex Court mentioned as below:

i). *In State Bank of India Vs. Tarun Kumar Banerjee and other AIR 2000 SC 3028, the Hon'ble Apex Court held, "Bank cashier found guilty in domestic enquiry of receiving excess money from customer and retaining same with intent to misappropriate –finding proved to hold by evidence of branch manager and head cashier who actually saw the incident –domestic enquiry found to be just and fair by Tribunal-setting aside of finding of misconduct on grounds of non-examination of customer, non-production of money and non-production of confessional statement –not proper."*

ii). *In Employers in relation to the Management of West Bokaro Colliery of M/s.TISCO Ltd., Vs. The concerned workman, Ram Pravesh Singh, AIR 2008 SC 1162, wherein the Hon'ble Apex Court held, "finding of I.O. as to misconduct based on evidence- interference on ground that no independent witness was examined – improper – once finding of I.O. is found to be based on evidence Court not to substitute finding of I.O. by its own opinion."*

iii). *In the case of Workmen of Balmadies Estates v. Management, Balmadies Estate and Ors AIR 2008 SC (Supp) page 1366, wherein the Hon'ble Apex Court held, " Domestic inquiry-Assessment of evidence - Yardstick applicable to Civil Court does not apply-Provisions of Evidence Act are also not applicable-Materials which are logically probative including hearsay evidence can be acted upon."*

11. In view of the decision of Apex Court as mentioned above. In the present matter also charge levelled against the workman has been proved by documentary evidence, hence, there was no need for examining the complainant. Therefore, in violation of Bank's rules and regulations the workman Petitioner has committed misconduct by depositing customers' money into his own OD account and that has been proved during enquiry by Bank's statement of account as well as by the admission of delinquent. In view of the above, there was no need to examine the customer Sri P.K. Bhala in support of charge levelled against Petitioner. In view of the decision of Hon'ble Apex Court and discussion in foregone paragraphs, the submission made by Petitioner is not tenable. Moreover, personal account of the workman MEx.12 has been proved during the enquiry that depicts that 70,000/- is being in excess cash on 9.2.2004 in his account which ought to have been credited into the bank account.

12. It is further submitted by the Petitioner that he has deposited the excess amount in his OD account on the advise of incharge Manager. Therefore, he has done it with bonafide intention to return the money to the customer concerned. In this respect, the Respondent submitted that being senior employee of the bank, the complainant must be aware of such basic principle, rules and regulations in which he is working. It is further submitted that the conduct of misappropriation as is in the present matter is also an offence under the Indian Penal Code and the plea of ignorance as taken by Petitioner cannot be taken let alone dealt with public money.

13. Further, the perusal of the Petitioner's claim statement reveals that he has worked in the bank for more than 20 years. He is supposed to discharge his duty according to rules, regulations of the bank regarding the cash transaction and books of the account. As the Petitioner submit that he received the amount of Rs.90000/- from Sri P.K. Bhala on 9.2.2004, but as per rule he should have deposited the excess amount of Rs.70,000/- either in the bank account or it has to be kept in the safe vault of the bank. But, neither on the next day i.e., on 10.2.2004 nor there after any day up to 23.2.2004, he did not deposit the said amount into the bank account or customer account. When the complainant noticed the short fall of the balance of Rs.70,000/- in his account, he approached the Branch Manager and there after the Petitioner was asked about the short fall of money amounting to Rs.70000/- in the customer account, then delinquent disclosed the fact of depositing the money in his personal account. Thus, from 9.2.2004 i.e., date of deposit upto 23.2.2004 for more than 10 days he kept the customers money in his personal account against the rules and regulations and without any authority. Moreover, he did not furnish any plausible explanation regarding the said conduct. Therefore, in view of the above, his act cannot be said to be bonafide as he claims. The conduct of keeping the customers' amount in his personal account for a long duration of 14 days itself speaks about his malafide intention. Therefore, the plea taken by Petitioner in this regard is not tenable.

14. Another argument advanced by the Petitioner is that the other employees who were charge sheeted in connection with the same incident have been given lesser punishment whereas the complainant has been awarded punishment of compulsory retirement which is more harsh. Respondent submitted in his reply that gravity is different in each case and the bank has acted accordingly and appropriately.

15. Since the act of misconduct committed by the Petitioner is more serious and grave as compared to other co-charge sheeted employee and Petitioner was the main instrument in this whole transaction of receiving the money from customers' and then kept it unauthorisedly into his personal account. Therefore, he cannot claim the parity in terms of punishment awarded to other co-chargesheeted employees.

16. Petitioner also submitted that imposition of punishment of compulsory retirement deprived his livelihood and same is not tenable. In reply Respondent submitted that the Petitioner is getting pension of Rs.10,201/- pm and he has got all retiral benefits which has not been counted by the Petitioner. Hence, it cannot be said that due to punishment of compulsory retirement he suffers his livelihood.

17. Now let us see whether the punishment of compulsory retirement of Petitioner is commensurate to the misconduct of Petitioner. Perused the impugned order. Disciplinary Authority has mentioned in the impugned order of compulsory retirement when it is mentioned that the continuation of Sri M. Krishna Rao in the service of the bank, will definitely create a security risk for the public funds. However, as shown, appreciated his domestic problems as highlighted by him as "mitigating factors and looking into the matter and its entirety, the undersigned is hereby orders that a punishment of compulsory retirement from the services with superannuation benefits be and is hereby imposed on Shri M. Krishna Rao in terms of para-6(c) of the Bipartite Settlement dated 10.4.2002 for the charge proved against him." Thus, the order of Disciplinary Authority regarding imposition of punishment to delinquent delineates that by having taken a lenient view in awarding the punishment to the Petitioner thereby already have considered the mitigating factors , awarded the punishment of compulsory retirement with superannuation benefits. Otherwise, in such type of cases of misconduct warrants more severe punishment, as laid down by Hon'ble Apex Court in number of decisions at different times.

The Respondent has cited few decisions in this regard:

- (i). *In M/s. Maharashtra State Seeds Corpn. Ltd., Vs. Haridas and another AIR 2006 SC page 1480, Hon'ble Apex Court held*, “When delinquent had not only defalcated huge amount but also misappropriated some material; punishment of dismissal from service is not disproportionate-Court's interference not proper.”
- (ii). *In Bharat Heavy Electricals Ltd., vs. M. Chandrasekhar Reddy and others, AIR 2005 SC page 2769*, Hon'ble Apex Court held: “Merely because there was no earlier misconduct or that the respondent-employee is an active participant in cultural activities-Is not sufficient to interfere with punishment under S. 11-A and to modify dismissal to reinstatement.”
- (iii). *Further, In Chairman and Managing Director, United Commercial Bank and others vs. P.C. Kakkar AIR 2003 SC 1571, Hon'ble Apex Court held*, “Judicial review of punishment imposed in disciplinary proceedings -Delinquent Asst. Manager of Bank charged for fabricating, manipulating records - Charge not casual but serious in nature Punishment of dismissal imposed -Not shockingly disproportionate - Bank officer is required to exercise higher standards of honesty and integrity - Defence that there was no loss or profit resulting-Not available when delinquent employee acted without authority -High Court setting aside as shockingly disproportionate without indicating reasons-Amounts to denial of justice - Fact that co-delinquent is given lesser punishment-Can also be no ground for interference.”
- (iv) *Divisional Controller, KSRTC vs. A. T. Mane, AIR 2004 SC page 4761*, wherein Hon'ble Apex Court held, “ Misconduct - Punishment -Quantum-Appropriation of money -It is not amount misappropriated which is primary factor -Loss of confidence is matter to be taken into consideration-Person found guilty of misappropriating Corporation's fund-Resulting in loss of confidence or faith in such person -Awarding punishment of dismissal -Not erroneous or disproportionate.”
- (v). *In Damoh Panna Sagar Rural Regional Bank and another Vs. Munna Lal Jain AIR 2005 SC page 584, Hon'ble Apex Court held*, “The Court should not interfere with the administrator's decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the Court, in the sense that it was in defiance of logic or moral standards. Unless the punishment imposed by the Disciplinary Authority or the Appellate Authority shocks the conscience of the Court/Tribunal, there is no scope for interference. In the instant case, services of Bank employee of Regional Rural Bank were terminated on ground that he had unauthorisedly withdrawn amount from Bank. The High Court did not record any reason as to how and why it found the punishment shockingly disproportionate. Even there was no discussion on this aspect. The very discipline of an organization more particularly a bank is dependent upon each of its officers and officers acting and operating within their allotted sphere. Acting beyond one's authority is by itself a breach of discipline and is a misconduct. The charges against the employee were not casual in nature and were serious.”
- (vi). *Similarly, in the cases, Divisional Controller, N.E.K.R.T.C. vs. H. Amareesh AIR2006 SC page 2730, Regional Manager, U.P.S.R.T.C., Etawah and others Vs. Hoti Lal and another AIR 2003 SC page 1462, UPSRTC and others vs. A.K. Parul AIR 1999 SC page 1552, Devendra Swamy Vs. KSRTC, AIR 2002 SC page 2545*, has held similar view as discussed in foregoing paragraphs.

18. Therefore, in view of the above decisions given by Hon'ble Apex Court, in the present matter also, the punishment awarded to the Petitioner of compulsory retirement or his misconduct which is of serious and grave nature cannot be said to be shockingly disproportionate.

19. Thus, Disciplinary Authority has awarded him the punishment of compulsory retirement taking lenient view, keeping in view his submissions regarding livelihood. Moreover, he is also getting pension and all retiral benefits. Therefore, it cannot be said that punishment imposed by the Disciplinary Authority is too harsh and does not commensurate to the misconduct. Therefore, the petition is liable to be dismissed as unfounded. In view of the forgone discussion and decisions of Apex Court, the claim of the Petitioner is liable to be dismissed and Petitioner is not entitled for any relief.

Thus, Points No.I & II are answered accordingly.

ORDER

The reference is answered as under:

The action of the Management of Bank of India, Zonal Office, Visakhapatnam in awarding punishment of compulsory retirement to Shri M. Krishna Rao, Ex-cashier, Amadalavalasa branch is legal and justified. Hence, Petitioner is not entitled to any relief, as such the claim of the Petitioner is dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 23rd day of March, 2023.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 10 मई, 2023

का.आ. 810.—औद्योगिक विवाद अधिनियम, 1947 1947 का 14 की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ हैदराबाद प्रबंधतंत्र के सबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट संदर्भ संख्या (20/2012) को प्रकाशित करती है।

[सं. एल-12025/01/2023-आई आर (बी-1)-58]

सलोनी, उप निदेशक

New Delhi, the 10th May, 2023

S.O. 810.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.20/2012) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of Hyderabad and their workmen.

[No. L-12025/01/2023- IR(B-I)-58]

SALONI, Dy. Director

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present : Sri IRFAN QAMAR, Presiding Officer

Dated the 28th day of March, 2023

INDUSTRIAL DISPUTE L.C.No. 20/2012

Between:

Sri D. Mallesham,

S/o Late D. Pentaiah,

H.No.1-48, Eddumailaram Village,
Mandal Sanga Reddy,
Medak District – 502285.Petitioner

AND

The Branch Manager,
State Bank of Hyderabad,
Eddumailaram branch (ODF),
Eddumailaram,
Medak District.Respondent

Appearances:

For the Petitioner : Sri A. Thirupathi Reddy, Advocate
For the Respondent: Sri Ch. Sivareddy, Advocate

AWARD

Sri D. Mallesham who worked as Attenda (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondent State Bank of Hyderabad seeking for reinstatement into service as Attender duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The brief averments of the claim petition filed by the Petitioner are as follows:

Petitioner was appointed as an Attender in the Respondent's Bank in the month of Feb, 2002 and he continued till 31-10-2011. During the period of ten years, his services were utilized at various places and various type of works. The Employer allotted a quarter in the bank premises, in which the petitioner and his family members were residing. While so, Respondent suddenly removed the Petitioner from service vide order dated 31.10.2011 and also not allowed him to perform duty which is illegal and unjust. It is submitted that Central Government occupied Petitioner's 2 Acre - 30 guntas land for construction of the Ordinance Factory in Eddumailaram in the year of 1982, and in that land the Respondent opened their bank. As Petitioner lost his land, the Respondent bank provided him job. Without considering the said facts with oral orders the Respondent removed the Petitioner from service, due to which Petitioner and his entire family members fell on the road and suffering with starvation. Petitioner has no other source of income or property except this one. Petitioner further submitted that he sent demand letter to reconsider his oral removal order and allow him to continue in service, but there is no response. Hence, it is prayed to direct the Respondent to allow the Petitioner to continue his job, with continuity of service, with back wages from 31.10.2011 duly setting aside the oral termination orders of the Respondent.

3. Respondent filed counter denying the averments of the Petitioner as under:

It is submitted that the claim of the Petitioner is liable to be dismissed in limine. It is not correct that the petitioner was appointed as an Attender in State Bank of Hyderabad in the Month of February, 2002 and during the said period the Bank utilized his services at various places and at various places. It is also false to allege that the Bank allotted a quarters in which his family resided and suddenly he was removed from service on 31.10.2011 etc.. No doubt the lands were acquired by the Government of India for establishing the Ordinance Factory in Eddumailaram on payment of compensation to the land owners. But it is not correct to allege that as the petitioner lost his land he was provided job in the Bank. It is further submitted that the Government of India has acquired lands for establishing the Ordinance Factory in Eddumailaram on payment of compensation to the land owners. The Ordinance Factory has leased out the premises for the purpose of Banking and the Bank has constructed the building for running its Banking activities. As there was a space the Bank maintained the garden. The petitioner was engaged on daily wage basis to attend the gardening work and he was paid the wages for the work he had attended. But he was never given any appointment in the Bank as there is no such post in the Eddumailaram Branch. He was not given with any appointment order or order of termination. The petitioner had requested the Branch Manager to permit him to stay in the store room where the gardening material was kept as he had undertaken some repairing work in his house, the Branch Manager had allowed him to stay for some time, but he was never given any quarters for his stay since he was not an employee of the Bank. Merely he was allowed to stay for some time on humanitarian grounds, the petitioner has cooked up a

story as if he was appointed in the Bank and he was also given quarters for his stay etc. The Bank being the Public Sector Bank shall recruit the employees as per the extant rules and shall follow the reservation procedures. Therefore the question of appointing the petitioner as Attender in the Bank and termination of the petitioner by the Bank as alleged by him does not arise. There is no relation of Employer and Employee between the Bank and the petitioner. For the reasons stated above, it is prayed that this Hon'ble Tribunal may be pleased to reject the claim of the Petitioner.

4. Petitioner got examined himself as WW1 and marked photocopies of six documents as Ex.W1 to W6. Respondent did not adduce any evidence nor filed any documents.

5. Heard both parties. Petitioner filed written arguments. Respondent did not file written arguments. Perused the record.

6. On the basis of pleadings of both the parties following points emerge for determination:

- I. Whether the order of termination of services of the Petitioner Sri D. Mallesh by Respondent is legal and justified?
- II. If not, then whether in the facts and circumstances of the case, the Petitioner is entitled to reinstatement into service or monetary compensation?
- III. To what relief Petitioner is entitled?

7. **Points No.I & II:** Petitioner has taken plea in his petition that he was appointed as an Attender by the Respondent bank in the month of February, 2002 and continued the same in the bank till 31.10.2011. During the service period of ten years, Respondent utilized his services at various places and various nature of work in his bank. Further, he has taken a plea that the employer has also allotted a quarter in the bank premises in which Petitioner and his family members were residing. Per contra Respondent has contended that the Petitioner was engaged on daily wages basis to attend the gardening work in the bank premises and he was paid wages for the work he has attended. Petitioner was never given any appointment in the bank as there is no such post in the branch. He was not given any appointment letter or order of termination. It is further submitted that some time as the Petitioner requested the bank Manager to permit him to stay in the store room where the gardening material was kept as he has taken some repairing work in his house, the Branch Manager has allowed him to stay for some time but he was never given any quarter for his stay since he was not an employee of the bank. Merely he was allowed to stay for some time on humanitarian ground. The Petitioner has cooked up story as if he was appointed in the bank and he was also given quarter for his stay. The Petitioner was not given any appointment order and he was not on rolls of the bank. Further it is contended that bank being the public sector bank shall recruit the employee as per the extant rules and shall follow the reservation procedure. There is no relation of employer and employee between the bank and Petitioner.

8. As per Respondent contention the Petitioner was engaged by the bank on daily wage basis to attend the gardening work and he was paid wages for the work he had attended. To prove the plea that he was appointed in the Respondent bank in February, 2002 as attender, the burden of proof lies on Petitioner as law settled by Hon'ble Apex Court in many decisions from time to time. The Petitioner has not produced any appointment letter issued by Respondent to the Petitioner appointing him as Attender as he alleged. Therefore, in view of the provision of Section 25F of I.D. Act, 1947. Let us see whether the Petitioner has completed 240 days in the employment of Respondent bank in one year just preceding from the date of termination i.e., 31.10.2011. It is admitted that the Petitioner has not submitted any appointment letter regarding his appointment in the employment of the bank. Petitioner has examined himself as WW1 and he has reiterated his plea of the petition. Further he stated that he has filed all documents in support of his case which have been marked as Ex.W1 to W6.

9. On scrutiny of documentary evidence submitted by Petitioner we found that Ex.W1 is a representation dated 1.2.2012 by Petitioner to the Branch Manager requesting to take him in the employment of the bank. Document Ex.W2 is also a representation dated 25.5.2012 addressed to the Assistant Labour Commissioner(C). Both these documents do not prove the fact that Petitioner has worked 240 days in the Respondent employment for one year continuously. The document Ex.W3 is a letter written by Branch Manager to Petitioner Sri D. Mallesh dated 18.11.2011 wherein he has been directed to vacate the quarters which belongs to the bank. Another letter was addressed to All Branch Managers by State Bank of Hyderabad, Zonal Office, Secunderabad for obtaining the details of part time employees engaged in the branches. These two documents Ex.W3 and W4 also do not prove the factum that Petitioner was engaged in the employment for 240 days continuously in one year. The Ex.W4 which is an information in tabular form sent by Branch manager to the Zonal Office, regarding temporary workers engaged as on 30.11.2006 and at Sl. No. 2, Petitioner's name D. Mallesh is mentioned and at number of working hours is mentioned three hours and in the last column of

working since, - it is mentioned that from September, 2006 he was working. A note has been endorsed in the end of tabular information to the effect that “total Rs. 400/- paid for doing miscellaneous works when permanent employee in sub-staff category goes on leave.” Therefore, Ex.W4 goes to show that the Petitioner Sri D. Mallesh was working since September, 2006 in the bank and he has to attend miscellaneous work in exigencies of the permanent employees when sub-staff category goes on leave. This document also does not prove the factum that the Petitioner had worked continuously for 240 days in the 12 months just preceding the date of termination. It shows that Petitioner has worked intermittently on daily wages paid for work done only on exigency when the regular staff goes on leave. It does not prove that Petitioner was appointed in regular post or he has worked continuously for 240 days in a calendar year. It also does not prove the plea taken by Petitioner. Ex.W5 is the savings account pass book of the Petitioner. Therefore, the documents submitted by the Petitioner does not prove the fact that he had worked for 240 days. Document Ex.W3 is the notice issued by bank to Petitioner to vacate bank quarter. Petitioner did not prove any document that the quarter was allotted to him in pursuance to his appointment as Attender. He may be occupier of quarter as licensee or on mercy ground of request as contended by Respondent in counter. But he was not occupier or quarter as allottee in pursuance to his employment. Hence, the Ex.W3 also does not help him.

10. The Petitioner claims that he was appointed as Attender in the bank in February, 2002 and he had worked for ten years in the bank. But no appointment letter, no written agreement or ancillary card which would be in the nature of attendance register, salary register, leave record, Provident Fund contribution and ESI contribution has been filed by the Petitioner in support of his claim of appointment in the Respondent bank. There is no iota of single piece of evidence showing that the claimant has worked in the employment of the Management as a daily wage workman. It is settled law that the burden of proof to establish the fact that he was engaged by the Respondent bank and had worked for 240 days in one calendar year is upon the Petitioner but Petitioner failed to prove this fact. Even Petitioner could not disclose the name of the person who was disbursing salary to him and his attendance was marked in the attendance register of the bank. No sufficient conclusive evidence has been adduced by the Petitioner on this point. The Petitioner claimant has not tendered any documentary or other evidence to substantiate his claim. Therefore, in view of the mandatory provision of Section 25F of the I.D. Act, 1947 the Petitioner could not prove the fact that he was engaged for 240 days. Therefore, the question of violation of the provision of Section 25F of I.D. Act, 1947 does not arise here. Thus, the termination of the Petitioner from the engagement of the bank employment is not found in violation of provision of Sec.25 F of I.D. Act, 1947. Therefore, he is not entitled for reinstatement in the engagement or employment of the bank. Therefore, only on the basis of Ex.W4 he cannot claim reinstatement in the bank's employment. Therefore, the order of termination of engagement of Petitioner by the Respondent is legal and justified and Petitioner is not eligible for reinstatement.

Thus, Points No.I & II are answered accordingly.

11. **Point No.III:** In view of finding of Points No.I & II, the Petitioner is not entitled to reinstatement and hence, not entitled to any relief. Petition is liable to be dismissed.

Thus, Point No.III is answered accordingly.

ORDER

In view of the fore gone discussion, the Petitioner is not entitled to claim reinstatement into service and nor he is entitled for any monetary compensation. The order of termination of services of the Petitioner Sri D. Mallesh is held legal and justified. The claim petition is liable to be dismissed. Hence, it is dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 28th day of March, 2023.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Petitioner

WW1: Sri D. Mallesh

Witnesses examined for the

Respondent

NIL

Documents marked for the Petitioner

Ex.W1: Copy of representation of WW1 dated 1.2.2012 to the Respondent.

Ex.W2: Office copy of representation of WW1 dated 25.5.2012 to the ALC(C)

- Ex.W3: Lr. From Br. Manager, SBH Head office, Hyderabad dated 18.11.2011.
- Ex.W4: Photocopy of statement of temporary workers engaged as on 30.11.2006 by Respondent dated 21.12.2006
- Ex.W5: Pass book of Petitioner
- Ex.W6: Copy of letter from Joint Action Committee dt.8.11.2011 to the AGM, SBH, Hyderabad reg. restoration of services of Petitioner.

Documents marked for the Respondent

NIL

नई दिल्ली, 12 मई, 2023

का.आ. 811.—औद्योगिक विवाद अधिनियम, 1947 1947 का 14 की धारा 17 के अनुसरण में केन्द्रीय सरकार आईएनजी बैंक लिमिटेड प्रबंधतंत्र के सबद्व नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट संदर्भ संख्या (68/2012) को प्रकाशित करती है।

[सं. एल-12012/45/2012-आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 12th May, 2023

S.O. 811.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.68/2012) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad as shown in the Annexure, in the industrial dispute between the management of ING Vysya Bank Ltd, and their workmen.

[No. L-12012/45/2012– IR(B-I)]

SALONI, Dy. Director

ANNEXURE**In The Central Government Industrial Tribunal Cum Labour Court At Hyderabad**Present: **Sri IRFAN QAMAR**

Presiding Officer

Dated the 21st day of March, 2023**INDUSTRIAL DISPUTE No. 68/2012**

Between:

Sri V. Gauri Shankar,

Flat No. 401, Plot No.94,

Mahalaxmi Tower,

Moti Nagar, Hyderabad.

.....Petitioner

AND

The Vice President & Dy. Head (HR)

ING Vysya Bank Ltd,

Employer Relations Division,

Human Resources Department,

Corporate office, No.72,

St.Marks Road, Bangalore-1.

....Respondent

Appearances:

For the Petitioner : M/s. K. Rama Reddy & Y. Ranjith Reddy, Advocate

For the Respondent : M/s. C. Niranjan Rao & M. Subramanya Sastry, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L- 12012/45/2012-IR(B.I) dated 15.10.2012 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 requiring this forum to decide the question:

SCHEDULE

“Whether the action of the management of ING Vysya Bank Ltd. In imposing the punishment of dismissal from service upon Shri V. Gauri Shankar vide their order dated 27.2.2003, is legal and justified? To what relief the workman is entitled?”

On receipt of the reference this Tribunal has registered and numbered the reference as I.D. No.68/2012 and issued notices to both the workman and the management. They both appeared before the court and engaged their respective counsels with the leave of the court and consent of either party.

2. **The workman filed his claim statement with the averments in brief as follows:** The Petitioner Workman joined the Respondent bank on 16.4.1986 as a clerk at its Cannaught Place, New Delhi branch. He had put in 17 years of service in different branches of the Respondent bank. He was transferred to Johnson Grammar School Extension Counter, Habsiguda, Hyderabad and there he was placed under suspension from the service of the bank w.e.f. 14.3.2001 alleging misappropriation of funds of the customers of the bank. The Respondent bank issued charge sheet bearing No.100-01-ER-528, dated 19.6.2001 leveling untenable and false allegations against the Petitioner. Besides the above proceeding initiated against the Petitioner departmentally, the Respondent bank also lodged criminal complaint against the Petitioner bearing No.249/2006 on the file of XII Addl. Chief Metropolitan Magistrate, Hyderabad. The Petitioner submitted that he represented the Respondent bank to postpone/defer the Departmental proceeding till the closure of the criminal proceeding. But his request was not considered by the bank. It is also submitted that the Respondent bank conducted enquiry into the above mentioned charge sheet and the Petitioner having no alternative appeared before the Enquiry Officer along with his defence representative. The Respondent bank conducted the enquiry and subsequent proceedings against the Petitioner was conducted as a mere formality. It is stated that the charge sheet issued by the Respondent does not contain all the details such as, date, time etc.. and Petitioner was handicapped to submit reply to such a truncated charge sheet. It is also submitted that during the course of enquiry though the Petitioner wanted to engage the service of an advocate as provided under para 12 of the 19 Bipartite Settlement, the Enquiry Officer rejected the plea of the Petitioner. The Departmental enquiry was conducted by the very same Disciplinary Authority who had issued the charge sheet to the Petitioner thus, vitiating the entire disciplinary proceedings, the enquiry was conducted basing on the principle of 'no person can be a Judge of his own case' After completion of the enquiry the charges levelled against the Petitioner was proved. The Departmental Enquiry was not conducted in accordance with the laid down principles as well as in consonance of the principles of natural justice and the Respondent bank merely completed a formality. The Respondent bank failed to provide documents in support of the charges levelled in the charge sheet. The Respondent bank alleged that the Petitioner misappropriated funds of the customers, but failed to provide any of the documents relating to all the 34 customers during the enquiry proceeding. The Petitioner was not given opportunity to cross examine the so called customers purported to have complained of misappropriation of their funds. Non-production of the authors of the so called complainants vitiates the enquiry proceedings as the complaints were received behind the back of the Petitioner. On this ground alone the entire proceedings of the Departmental enquiry can be taken as vitiated. It is further submitted that the punishment awarded basing on such ill-conceived / vitiated Departmental proceedings are bound to be set aside without giving a second thought. The validity and relevant documents objections/points raised by the Petitioner as well as his defence during the course of the enquiry proceedings were not taken cognizance of and no credence / weightage was given to such pleas/representations by the Enquiry Officer. Hence, the domestic enquiry conducted by the Respondent bank is not legal and valid. Therefore, prayed to quash the dismissal orders passed by the Disciplinary Authority (confirmed by Appellate Authority) and direct the Respondent bank to reinstate the petitioner into service with full back wages and all attendant benefits along with reasonable compensation for all the hardships undergone by the petitioner.

3. The Respondents filed counter denying the averments made in the claim petition, with the averments in brief which runs as follows:

The Respondents in its counter while admitting some of the pleas of the Petitioner for and challenging the maintainability of the case of the Petitioner, submitted dismissal of the claim petition in limini. It is submitted that the charges levelled against the Petitioner is with regard to misappropriation of funds. The Petitioner while working as a cashier at Johnson Grammar School Extension Counter, 5 Habsiguda, Hyderabad attached to the Uppal Branch has committed certain grave and serious misconducts of misappropriation of customers money. The Petitioner has not accounted for the money deposited by the customers of the bank at various dates. Several customers of the bank have made complaints against the Petitioner stating that he has not accounted in their respective accounts, cash deposited by them. A sum of Rs. 10,10,150/- of the public money has been misappropriated, and thereby the Petitioner has acted prejudicial against the interest of the bank and committed gross misconduct as per para 19.5 (j) of the settlement. After receipt of the complaints of misappropriation of customers money the Respondent bank has placed the Petitioner under suspension and there after issued articles of charges dated 19.6.2001 framing charges under Clause 19.5 (j) of the settlement and the same was duly received by the Petitioner. It is stated that opportunity has been given to the Petitioner to submit his explanation on the charges levelled against him. But the Petitioner has failed to submit explanation to the charges inspite of ample opportunity given to him and therefore, the management passed order of a departmental enquiry to inquire into the charges levelled against the Petitioner. Accordingly one notice was issued to the Petitioner informing the date and time of the enquiry and the same was duly communicated to him. It is stated that enquiry was ordered after giving due opportunity to submit explanation on the charges levelled against the Petitioner. It is further submitted that the Vice President of the Respondent Bank, Sri G. D. Jayaprakash was appointed as the Enquiry Officer to conduct the enquiry on the charges and One Sri T. Krishna Rao, Officer, ER Division was appointed as the Presenting Officer on behalf of the management in the enquiry. The enquiry was commenced on 14.10.01 and the Petitioner has participated in the enquiry. During the enquiry the Petitioner has availed the assistance of Mr. A. Vijaya Kumar, Vice President of All India Vysya Bank Employees Union and he has also participated in the enquiry on all the dates to their satisfaction. Thereafter, the management representative has furnished all the copies of the documents and the names of the witnesses and the same were duly verified by the Petitioner to his satisfaction. It is also stated that the management has examined four witnesses and marked 16 documents and the witnesses were duly cross examined by the Petitioner. During the course of the enquiry the Petitioner has produced a document and the same is marked as DExl. After closure of the evidence of the management side, the Petitioner informed that he is not willing to rely on any documents and he is also not willing to submit any evidence on his behalf. Therefore, the Enquiry Officer recorded the same and proceeded further for submitting written brief of both the sides. Thereafter the management representative had submitted the written submissions and a copy of the same was duly served to the Petitioner and on receipt of the same, the Petitioner has also submitted the written notes before the Enquiry Officer. The Enquiry Officer after considering all the materials available on record and also considering the submissions furnished by both the sides, submitted his report on 12.12.2002 holding that the charges levelled against the Petitioner were proved in the enquiry. Copy of the enquiry report was duly furnished to the Petitioner vide letter dated 13.12.2002 and an opportunity was given to the Petitioner to submit his explanation on the Enquiry Officer's report. It is stated that the Department has conducted the enquiry fairly after giving ample opportunity to the Petitioner to participate in the enquiry. The departmental enquiry conducted by the management is legal, valid, bonafide and justified. After receiving copy of the enquiry report Petitioner has submitted his representation dated 26.12.2002. In order to give further opportunity to the petitioner, Respondent issued a second show cause notice dated 21.1.2003 as to why the proposed punishment of dismissal from service should not be imposed on him and advised to appear before the disciplinary authority for personal hearing on 3.2.2003. In view of his non-response, he was given another opportunity to appear on 25.2.2003. But he failed to appear on the said date of hearing, however, he made a representation dated 22.2.2003 making various untenable and unsustainable allegation against the management but failed to provide any valid ground as to why the proposed punishment of dismissal shall not be imposed. After considering all the material available on record, an order dated 27.2.2003 was passed dismissing the petitioner from service. Petitioner has filed an appeal dated 10.4.2003 which was rejected dated 4.7.2003. The respondent bank has also lost confidence on the petitioner as he was involved in the misconduct of misappropriation of public money to the tune of Rs.10,10,150/- and which is a serious misconduct and loss of moral turpitude and therefore, the respondent was constrained to dismiss the petitioner from the service. In the circumstances of the case there is no need of interference from the court and the reference be answered in negative.

4. The domestic enquiry conducted by the Respondent Management is held legal and valid vide order dated 16.8.2018.

5. Heard arguments of both parties under Sec.11A of the Act. Perused the record.

6. **On the basis of pleadings of both the parties, the following points emerge for determination:**

I. Whether the action of the Management of ING Vysya Bank Ltd., now Kotak Mahindra Bank in imposing the punishment of dismissal from service upon Sri V. Gowri Shankar vide their order dated 27.2.2003 is legal and justified?

II. To what relief the workman is entitled?

7. **Points No.I & II:** The validity of domestic enquiry has been held legal and valid vide order dated 16.8.2018, hence, it got finality.

8. Learned Counsel for the Petitioner submitted that the Petitioner Workman joined the Respondent bank on 16.4.1986 as a clerk at its Cannaught Place, New Delhi branch. He had worked for 17 years in different branches of the Respondent bank. He was transferred to Johnson Grammar School Extension Counter, Habsiguda, Hyderabad and while working at the said branch he was placed under suspension from the service of the bank w.e.f. 14.3.2001 alleging misappropriation of funds of the customers of the bank. The Respondent bank issued charge sheet bearing No.100-01-ER-528, dated 19.6.2001 leveling untenable and false allegations against the Petitioner. Besides the above proceeding departmentally, the Respondent bank also lodged criminal complaint against the Petitioner. The Respondent bank conducted enquiry as a mere formality and inflicted the punishment of dismissal from the services of the bank vide order dated 27.2.2003. It is also submitted that the Appellant approached Appellate Authority against the order of Disciplinary Authority but the Appellate Authority upheld the decision of the Disciplinary Authority. The Petitioner submitted that the Charge Sheet dated 19.06.2001 is ambiguous and not in conformity with the provisions of the Bi-partite settlement service conditions governing the petitioner and the Charge Sheet does contain all the details such as date, time etc which handicapped the Petitioner to submit a reply. It is also submitted that Enquiry Officer rejected the plea of the petitioner to engage the services of an advocate during the enquiry proceeding. The Departmental Enquiry was conducted by the very same Disciplinary Authority, who had issued the Charge Sheet to the Petitioner vitiating the entire disciplinary proceedings basing on the principles of natural justice, no person can be a judge of his own case. It is further submitted that the respondent Bank with malafide intentions continued the same Disciplinary Authority as an Enquiry Officer. The departmental enquiry was not conducted in accordance with the principles laid down principles as well as in consonance with the Principles of Natural Justice. It is also submitted that Respondent Bank failed to provide documents in support of the charges levelled in the charge sheet. The respondent Bank alleged that the Petitioner has misappropriated funds of 34 customers but failed to provide documents relating to all the 34 customers during the enquiry proceedings. The petitioner was not given opportunity of cross-examining the customers who have complained of misappropriation of their funds. Therefore, non-production of the so called complainants vitiates the enquiry proceeding. It is also submitted the punishment awarded is basing on such misconceived departmental enquiry and tend to be set aside without given a second thought. It is also submitted that relevant documents sought by the Petitioner under defence were not provided to the Petitioner by the Respondent bank and Appellate Authority passed orders without applying mind in a mechanical manner.

9. On the other hand, Respondent's counsel submitted that since the validity of domestic enquiry has been held legal vide order dated 16.8.2018 of this court, therefore all the submissions made by the Petitioner has been taken up in that order since, the Petitioner did not challenge the order dated 16.8.2018 of the validity of domestic enquiry which gets finality.

10. Perused the record. The arguments advanced by the Petitioner pertains to legality and fairness of enquiry proceeding which has been decided held by this Tribunal in the order dated 16.8.2018 while holding the domestic enquiry legal and valid. Petitioner did not challenged it in higher forum hence it has become final.

11. The perusal of the record of domestic enquiry reveals that Petitioner was given full opportunity hearing at every stage of the proceeding. He never raised any objection complaining, causing of any prejudice of any nature to him before the Enquiry Officer. Further, he received all the papers and documents filed, relied upon by the Respondent. He also filed reply, cross examined the Respondent witness and examining his witness in defence and attended the proceeding. Thus, after giving full hearing opportunity Enquiry Officer appreciated the evidence and submitted his reasoned report holding the Petitioner guilty of the charges. Therefore, the submission of the Petitioner regarding challenging the fairness of the domestic enquiry is not tenable. As far as the submission of the Petitioner is concerned that the author of the complaint was not produced in evidence during the enquiry and he was deprived of cross examining them. Since the present matter pertains to the

misappropriation of the money of the customers amounting to Rs.10,10,150/- and the same has been proved during the enquiry on the basis of documentary evidence. Therefore, it was not necessary to examine the complainants. After completion of enquiry, Enquiry Officer has submitted reasoned report. In the case of **State Bank of India vs.Tarun Kumar, AIR 2000 SC 3028**, wherein Hon'ble Apex Court held, “*domestic enquiry find to be just and fair by Tribunal setting aside of finding of misconduct on the grounds of non-examination of customer, non-production of money and non-production of confessional statement – not proper.*” Therefore, in event of decision given by Hon'ble Apex Court this argument of Petitioner not tenable. Moreover, the Petitioner himself has submitted the letter to the Respondent bank wherein he had admitted his guilt regarding the charge of misappropriation of the funds and the admission of guilt was made by him voluntarily. Therefore, the submission of the Petitioner that the complainant was not examined has no force. Therefore, no case is made out to hold that the domestic enquiry suffers from any procedural lapses or was conducted in violation of the principles of natural justice. Thereby causing any prejudice to the rights of the Appellant.”

12. Now, the next question arises whether punishment imposed on Appellant is just and legal or it is disproportionate to the gravity of the charges. Since the charges of misappropriation of funds of customers levelled against the Petitioner has been proved in domestic enquiry. As per charges, Petitioner while he was posted as a clerk in the Uppal branch of Respondent bank at Johnson Grammar School Extension Counter, Habsiguda, Hyderabad, he received a deposit from the account holders which are mentioned from Sl. No.1 to 34 and he misappropriated various amounts totaling to Rs.10,10,150/- from the saving accounts of the customers and the same were not deposited in the accounts of the deposit holders. In these circumstances keeping in view the misconduct committed by the Petitioner, it cannot be said that charges were simple in nature but the charges were of serious nature which warrants the capital punishment. No employer would ever allow or support such behavior of the employee while on duty. The Appellant was working as a cashier and he was on duty on that day, therefore, he was directly responsible for misappropriation of the funds. Thus, the charges against the Petitioner being serious in nature, order of dismissal passed against the Appellant cannot be faulted nor it can be said to be in any way disproportionate to the gravity of the charges. In other words, punishment of dismissal was proportionate with the gravity of the charges and hence, the industrial dispute raised by the Petitioner for quashing of the dismissal order deserves to be dismissed being devoid of any merit. Certain decisions of Hon'ble Apex Court has been referred by the Respondent to justify the imposition of punishment of termination upon Petitioner for his misconduct of misappropriation are mentioned as below:-

13. Respondent counsel also submitted that the dismissal order which has been challenged by the Petitioner through the present industrial dispute, pertains to the year 2003 i.e., dated 6.8.2003 when he was terminated from service whereas he has approached this Tribunal in the year 2012 after lapse of 9 years whereas u/s2A(3) of the Industrial Disputes Act, 1947 a petition can be filed within 3 years of cause of action. Therefore, present petition/claim statement is barred by limitation u/s2A(3) of the Industrial Disputes Act, 1947. Respondent cited decisions:-

In K R Reddy Vs. Industrial Tribunal-II, Hyderabad, Hon'ble Court held: “*The Supreme Court extensively considered the scope of relevant provisions and precedent decisions. The Supreme Court held that there was inordinate, unexplained delay in referring the dispute.*”

In Assistant Engineer, CAD, Kota and Dhan Kumwar, CA No.6473, 2006 III LLJ, the Apex Court held: “*workman raising the dispute eight years after termination of service –relief by Labour Court should not have been granted to workman.*”

Haryana State Co-operative Land Development Bank and Neelam, 2005 I LLJ, the Apex Court held: “*Though no time limit prescribed for raising industrial dispute, but stale claim, could not be entertained – approaching Labour Court after delay of more than 7 years. Held:- justified refusal of relief in this case.*”

14. Thus, in view of the above decision, in the present case termination order of Petitioner pertains to dated 6.8.2003, but the industrial dispute has been raised by him filing the claim statement in the year 2012 after a gap of nine years and no plausible explanation has been furnished by the Petitioner for such inordinate delay. Therefore, the petition of the present matter is time barred also in view of the provision u/s 10 (1) (D) of the I.D. Act, 1947 prescribing limitation period three years.

(i) **In Karnataka Bank Ltd., Vs. A.L. Mohan Rao 2006 LLR 252,** “*In this case the Respondent workman was working as an attendant at the Kudregundi Branch of the Appellant bank. He was charge sheeted for gross misconduct in as much as he had colluded with one of the Branch Managers and enabled grant of a fictitious loan in the name of one Shri Ramakrishna, the real beneficiary being a person named*

B. Raghava. In that charge sheeted employee the workman was terminated and Apex court held, gross misconduct of this nature does merit termination. It is for the Disciplinary Authority to decide what is the fit punishment. In any case of such misconduct it could never have been said that termination of the services is not the appropriate punishment."

(ii). **In Employees Management West Bokaro Colliery of TISCO Ltd., Vs. Concerned Workman, Ram Pravesh Singh, 2008 LLR 432, Apex Court held:** "in the absence of challenge to the legality or fairness of the domestic enquiry, the Court should be reluctant to either interfere with the finding recorded by the Enquiry Officer or the punishment awarded by the punishing authority more so when the advocate of the workman has stated that he does not want to challenge the fairness of the enquiry."

(iii). **In Janatha Bazar Vs. Secretary, Sahaari Noukarara Sangha etc. 2000 LLR page 1271 the Apex Court held:** "Once act of misappropriation is proved, may be for a small or large amount, there is no question of showing uncalled for sympathy and reinstating employee in service-Labour Court cannot substitute penalty imposed by employer in such cases." It is also held that, "in view of the proof of misconduct a necessary consequence will be that Management has lost confidence that the workman would truthfully and faithfully carry on his duties and consequently the Labour Court rightly declined to exercise the power under Section 11A of the I.D. Act to grant relief with minor penalty."

(iv). **In Divisional Controller, KSRTC vs. M.G. Vittal Rao 2012 LLR 8 Apex Court held:** "Nature and scope of both Departmental enquiry vis-à-vis criminal proceedings are different as the standard of proof required in criminal trial is beyond reasonable doubt whereas departmental enquiry depends upon the preponderance of probabilities and an order of acquittal cannot conclude and effect the departmental proceedings and the delinquent employee is not automatically entitled to get any relief on the basis of his/her acquittal form the punishment imposed upon him/her through departmental enquiry." It is also held that "When loss of confidence of the Management upon the delinquent employee is affirmed, punishment must be considered to be immune from challenge as discharging the office of the trust and confidence requires absolute integrity and delinquent employee cannot be granted reinstatement."

It is also held in this case that, "While dealing with a similar issue, a three Judge Bench of this Court in Ajit Kumar Nag Vs. General Manager (PJ) Indian Oil Corporation Ltd., (2005) 7 SCC 764, held as under:- 'In our judgement, the law is fairly well settled Acquittal by a criminal Court would not debar an employer from exercising power in accordance with the Rules and Regulations in force. The two proceedings, criminal and departmental, are entirely different. They operate in different fields and have different objectives. Whereas the object of criminal trial is to inflict appropriate punishment on the offender, the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance with the service rules. In a criminal trial incriminating statement made by the accused in certain circumstances or before certain officers is totally inadmissible evidence. Such strict rules of evidence and procedure would not apply to departmental proceedings. The degree of proof which is necessary to order a conviction is different from the degree of proof necessary to record the commission of delinquency. The rule relating to appreciation of evidence in the two proceedings is also not similar. In criminal law, burden of proof is on the prosecution and unless the prosecution is able to prove the guilt of the accused "beyond reasonable doubt", he cannot be convicted by a Court of law. In a departmental enquiry, on the other hand, penalty can be imposed on the delinquent officer on a finding recorded on the basis of "preponderance of probability.""

Thus, in view of the above law laid down by Hon'ble Apex Court, the letter of admission of guilt by Petitioner is admissible in evidence. Apart from his admission, other credible documentary evidence of bank account proved the misconduct of misappropriation of Petitioner.

(v) **In State Bank of Bikaner & Jaipur and Nemi Chand Nalwaya 2011 III LLJ page 13 SC, Hon'ble Apex Court held:** "Acquittal of employee in criminal case would have no effect on previously concluded domestic enquiry –Findings in such enquiry and punishment based thereon, could not be challenged after several years on ground of such acquittal."

. Therefore, in view of the law laid down by Hon'ble Apex Court and submissions made by the Respondent, punishment of dismissal is found to be proportionate and commensurate with the gravity of charge of misconduct committed by the Petitioner.

(vi) Further, in **JP Jain Vs. Management of State Bank of India 1982 AIR page 673**, the facts of the case are that the Appellant was working as cashier in the Meerut State branch of State Bank of India, the complainant, came to bank to receive his pass book. On receipt of pass book account holder complained that he had withdrawn only Rs.500/- but there is entry of Rs.1500/- as shown in the passbook. The complainant reported matter to the Supervisor R K Gupta, and necessary documents pertaining to such withdrawal were

examined and it was found that the complainant has given a letter of authority to the Appellant workman and authorizing to withdraw the amount Rs.500/- from his account. The said authority letter was for withdrawal of Rs.500/-, but, workman acting as cashier manipulated figure in the letter from Rs.500/- to Rs.1500/- and withdrawn the amount retained Rs.1000/- with him.

In that case enquiry was held and the casual Appellant was dismissed from the job. In the case the alleged misconduct of the Appellant to produce forged documents and withdrew Rs.1500/- instead Rs.500/- and Rs.1000/- in excess of the amount which he was not authorized misappropriated it. In that case Appellant had submitted his confession letter and on the basis of the confession letter and substantial evidence he was terminated from the service and the Hon'ble Apex Court upheld the termination of the Appellant." Therefore, plea of Petitioner that his letter of admission of guilt is not admissible evidence is not tenable.

(vii). **In the case of Darshan Singh Vs. Canara Bank CWP No.10458/ 2003 D.O.D. 6.4.2017 High Court held:** "the Court has rightly observed that oral evidence contrary to documentary evidence and entries has not to be believed this was the case defendant for proof of misconduct on documentary evidence and entries in the Saving Bank Account pass book and ledger folios etc.. The workman admitted that these entries made by him saying that it was made under bonafide mistake. Such act have serious propensities which when made public a bank might loss its reputation and confidence in investing public, not continue employment. It was the case of misappropriation. Even if it is classified as temporary misappropriation or temporary embezzlement both are bad of law. Workman therefore, cannot be absolved simply, by saying that entries were some bonafide mistake. In the opinion of Labour Court no lenience can be shown to the workman. Once the misconduct is proved in the enquiry conducted by employer, punishment imposed cannot be interfered with by the Tribunal except in cases where the punishment is so harsh as to suggest victimization."

15. Therefore, in view of the fore gone discussion and above decision of Hon'ble Apex Court more or less similar facts and circumstances exist in the present matter. Therefore, keeping in view the misconduct of the Petitioner, no ground is made out for interference in the dismissal order of Petitioner as imposed by the disciplinary authority vide order dated 27.2.2003 hence, the action of the Management in imposing the punishment of termination upon Petitioner cannot be said disproportionate and is held legal and justified.

Point No.I is answered accordingly.

16. **Point No.II:** In view of the discussion and finding in fore gone paragraphs, the petition is liable to be dismissed. As such, the Petitioner is not entitled to any relief.

Thus, Point No.II is answered accordingly.

ORDER

The action of the Management of ING Vysya Bank Ltd., in imposing the punishment of dismissal from service upon Shri V. Gauri Shankar vide their order dated 27.2.2003, i.e., held legal and justified. Hence, Petitioner is not entitled to any relief, as such the claim of the Petitioner is dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 21st day of March, 2023.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 12 मई, 2023

का.आ. 812.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बडोदा के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (1452/2004) प्रकाशित करती है।

[सं. एल-12012/146/2004- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 12th May, 2023

S.O. 812.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.1452/2004) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda and their workmen.

[No. L-12012/146/2004- IR(B.II)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present - Sunil Kumar Singh-I,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Date: 17th March, 2023

Reference (CGITA) No. : 1452/2004

The Regional Manager,
Bank of Baroda,
2nd Floor, M. G. Road, Near GPO,
Rajkot – 360002First Party / Employer / Bank

V

Sh. Kalpesh G. Mehta S/o Hasubhai Dave,
Shram Sadhana, Opp. Muni Water Tank,
Behind Swaminarayan Gurukul Gondal Road,
Rajkot - 360002Second Party / Workman

Advocate for the First Party / Employer / Bank : Shri V. K. Mashar
Advocate for the Second Party / Workman : Ms. Pooja K. Ashar &
Shri S. R. Thakore

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/146/2004-IR(B-II) dated 29.09.2004 referred the dispute for adjudication to the Industrial Tribunal, Rajkot in respect of the matter specified in the Schedule. The dispute was later received in Central Government Industrial Tribunal cum Labour Court, Ahmedabad after its creation at Ahmedabad in the year 2004.

SCHEDE

“Whether the action of the management of the Bank of Baroda, Rajkot in terminating the services of Mr. Kalpesh G. Mehta Temporary Daily Wager w.e.f. 7.4.2003 is legal and justified? If not, what relief the workman concerned is entitled to?”

- After receiving the schedule of reference from Industrial Tribunal, Rajkot to this Tribunal, the second party / workman Shri Kalpesh G. Mehta submitted his statement of claim at Ex. 4, stating therein that he was serving as daily wager / peon from the year 1989 @ Rs. 125/- per day at Gondal Branch of the first party / employer / Bank. He was illegally terminated w.e.f. 07.04.2003 without any notice or notice pay and no unemployment allowances or any other monetary relief was given to him at the time of termination of his services. No seniority list was prepared or showed by the first party / employer to him. Despite his request dated 02.12.2003, his services have not been continued. He has further stated that he has worked for more than 240 days in every year

with the first party / employer. However the description of working hours given in the statement of claim is depicted as under:

Sl. No.	Period / Year	Number of days
1	1989	55
2	1990	19
3	1991	37
4	1994	15
5	1995	15
6	27.12.1999 to 30.12.2000	306
7	01.01.2001 to 12.01.2002	306
8	12.01.2002 to 31.01.2003	278
9	04.01.2003 to 07.04.2003 (Date of termination)	78

He has further stated that he was also paid bonus for the year 1996-97, 2000-01, 2001-02 and 2002-03. His name was also forwarded for regularization of his services amongst the daily wagers as per circular dated 03.05.2001, but he was never regularised. His services were illegally terminated by the first party / employer / Bank in violation of Section 25 (F), 25 (G) and 25 (H) of Industrial Disputes Act, 1947. He has prayed to set aside the termination order dated 07.04.2003 and to reinstate him with back wages with 18% interest and continuity of service along with all consequential benefits.

2. The first party / employer / Bank has submitted its written statement at Ex. 5 stating that no employer – employee relationship exists between the parties. The second party / workman has no legal right to raise industrial dispute against the first party / employer / Bank and the Tribunal lacks jurisdiction for adjudicating the present reference. The first party / employer has further stated that appointment to any post in the Bank is governed by the statutory rules / regulations in force from time to time by the Bank, subject to sanctioned vacancy, fulfilment of eligibility criteria and approval of competent authority. In case of appointment in sub-ordinate cadre, name of employee should be sponsored by the Employment Exchange. The first party / employer has further stated that the name of second party / workman was never sponsored by the Employment Exchange. He was appointed by the Branch Manager without authority as casual labour on daily wages and on temporary basis. Appropriate wages were also paid to the second party / workman. He is accordingly not entitled for the claimed relief.
3. The second party / workman has filed documentary evidence detailed as under:

Sl. No.	Name / Details of the document	Date of Document	Seriatim of Document	Type / Remarks
1	Circular to all branches / offices of Bank of Baroda annexed with Xerox copy of Tripartite Settlement dated 18.03.2008 between the management of Bank of Baroda and their workmen represented by All India Bank of Baroda Employees' Federation (Recognised Union)	24.03.2008	Ex. 8/1	Xerox
2	Application written by Shri Kalpesh G. Mehta to the Manager Bank of Baroda, College Chowk, Gondal and Dy. General Manager (Personal), Bank of Baroda, Central Office, Valchand Hiralal Marg, Belara Para, Bombay for continuity of service with full back wages along with original acknowledgement received from the Manager, Bank of Baroda, Gondal	02.12.2003	Ex. 8/2 Ex. 8/3 (A/D)	Xerox Original
3	Application written by Shri Kalpesh G. Mehta to the Assistant General Manager, Bank of Baroda, Rajkot along with acknowledgement received	04.08.2008	Ex. 8/4 Ex. 8/4/1 (A/D)	Originals
4	Details in respect of Shri Kapesh G. Mehta furnished by the Branch Manager, Bank of Baroda, Gondal Branch	09.05.2001	Ex. 8/5	Xerox
5	Letter written by Shri Kalpesh G. Mehta to Dy. General Manager (Personnel), Bank of Baroda, Mumbai	17.04.2002	Ex. 8/6	Original
6	Bank Voucher issued in favour of Shri Kalpesh G.	10.09.1997	Not	Notarised

	Mehta regarding bonus of 35 days for the year 1996-97		mentioned	Photo Copy
7	Bank Voucher issued in favour of Shri Kalpesh G. Mehta regarding bonus for the year 2000-01	19.09.2001	Not mentioned	Notarised Photo Copy
8	'Payment Advice' of Shri Kalpesh G. Mehta issued by Branch Manager, Bank of Baroda, Gondal in respect of payment of Bonus for the year – Nil	23.09.2002	Not mentioned	Notarised Photo Copy
9	'Payment Advice' of Shri Kalpesh G. Mehta issued by Branch Manager, Bank of Baroda, Gondal in respect of payment of Bonus for the year – Nil	16.10.2003	Not mentioned	Notarised Photo Copy
10	Letter written by Shri Kalpesh G. Mehta to the General Manager, (HRM) Staff Department, BBC, Central Office, Mumbai along with acknowledgement received	13.05.2008	Ex. 8/7	Original
11	Circular issued by the General Secretary, All India Bank of Baroda Employees' Co-ordination Committee, Rajkot regarding regularization of temporary sub-staff	27.01.2008	Ex. 8/8	Xerox
12	Bank's Circular regarding procedure for payment of Bonus	22.10.2005	Enclosed with list Ex. 28	Xerox
13	Pension payment statement for the year 2012-13 of Smt. Sarla Devi G. Mehta, Mother of Shri Kalpesh G. Mehta	Not mentioned	Ex. 21/1	Xerox
14	Employment exchange slip of Shri Kalpesh G. Mehta	Illegible	Ex. 21/2	Xerox
15	Death Certificate of Shri Gajendrabhai, father of Shri Kalpesh G. Mehta	27.10.2009	Ex. 21/3	Xerox
16	Letter written by The Sr. Manager, Bank of Baroda, Gondal Branch, Gondal to The Sub-Treasury Officer, Treasury Office Gondal	27.07.1999	Ex. 21/4	Xerox
17	Letter written by The Sr. Manager, Bank of Baroda, Gondal Branch, Gondal to The Sub-Treasury Officer, Treasury Office, Gondal	09.04.1997	Ex. 21/5	Xerox
18	Memorandum issued by Accountant, Bank of Baroda, Gondal Branch, Gondal	04.01.1999	Ex. 21/6	Xerox
19	Letter written by The Manager, Bank of Baroda, Gondal Branch, Gondal to The Sub-Treasury Officer, Treasury Office, Gondal	05.10.1999	Ex. 21/7	Xerox
20	Letter written by The Sr. Manager, Bank of Baroda, Gondal Branch, Gondal to The Sub-Treasury Officer, Treasury Office, Gondal	30.11.1998	Ex. 21/8	Xerox
21	Letter written by The Sr. Manager, Bank of Baroda, Gondal Branch, Gondal to The Sub-Registrar, Gondal	17.06.1994	Ex. 21/9	Xerox
22	Letter written by The Manager, Bank of Baroda, Gondal Branch, Gondal to The Sub-Treasury Officer, Sub-Treasury Office, Gondal	14.06.1993	Ex. 21/10	Xerox
23	Letter written by The Manager, Bank of Baroda, Gondal Branch, Gondal to The Sub-Treasury Officer, Sub-Treasury Office, Gondal	17.07.1998	Ex. 21/11	Xerox
24	Letter written by The Sr. Manager, Bank of Baroda, Gondal Branch, Gondal to The Regional Manager, Bank of Baroda, Regional Office, Rajkot	09.05.2001	Ex. 21/12	Xerox
25	List of Temporary / Casual Peon / Sweeper (Phase-I)	Not mentioned	Ex. 21/13	Xerox
26	Application written by Shri Kalpesh G. Mehta and 3 others to The Assistant Manager, Bank of Baroda (HR), Rajkot	12.11.2013	Ex. 21/14	Xerox
27	Details in respect of Shri Kalpesh G. Mehta	09.05.2001	Replica of Ex.	Xerox

	furnished by the Branch Manager, Bank of Baroda, Gondal Branch		8/5	
28	Bank Voucher issued in favour of Shri Kalpesh G. Mehta regarding bonus of 35 days for the year 1996-97	10.09.1997	Ex. 21/15 (Double filing)	Xerox
29	Bank Voucher issued in favour of Shri Kalpesh G. Mehta regarding bonus for the year 2000-01	19.09.2001	Ex. 21/16 (Double filing)	Xerox
30	'Payment Advice' of Shri Kalpesh G. Mehta issued by Branch Manager, Bank of Baroda, Gondal in respect of Payment of Bonus for the year – Nil	23.09.2002	Ex. 21/17 (Double filing)	Xerox
31	'Payment Advice' of Shri Kalpesh G. Mehta issued by Branch Manager, Bank of Baroda, Gondal in respect of payment of Bonus for the year – Nil	16.10.2003	Ex. 21/18 (Double filing)	Xerox
32	Certificate issued by the Manager, Bank of Baroda, Gondal Branch, Gondal	07.01.1998	Ex. 21/19	Xerox

4. The second party / workman has deposed himself at Ex. 13 in his oral evidence.

5. The first party / employer has filed documentary evidence detailed as under:

Sl. No.	Name / Details of the document	Date of Document	Seriatam of Document	Type / Remarks
1	Certificate issued by the Manager, Bank of Baroda, Gondal Branch, Gondal for 33 days of working of Shri Kalpesh G. Mehta in the year 1996	15.01.1997	Ex. 18	Xerox
2	Certificate issued by the Manager, Bank of Baroda, Gondal Branch, Gondal for 57 days of working of Shri Kalpesh G. Mehta in the year 1990-91	07.01.1998	Ex. 19	Xerox
3	Advertisement from Bank of Baroda	Not mentioned	Ex. 20	Xerox
4	Rules for recruitment of Sub-ordinate Staff	Not mentioned	Ex. 21	Xerox

6. The first party / employer has examined Shri Jaydev Avinash Mehta, Senior Manager (HRM), Bank of Baroda, Rajkot at Ex. 20.

7. I have perused the records and heard Ld. Counsel for first party / employer Shri V. K. Mashra in addition to his written argument at Ex. 24 and Ld. Counsel for second party / workman Ms. Pooja K. Ashar & Shri S. R. Thakore in addition to their written arguments at Ex. 22 and additional written arguments at Ex. 27.

8. The main point for the consideration under reference is as to whether the action of the management of the Bank of Baroda, Rajkot in terminating the services of Mr. Kalpesh G. Mehta Temporary Daily Wager w.e.f. 07.04.2003 is legal and justified? If not, to what relief the workman is entitled?

9. Ld. Counsel for the second party / workman has argued as per the statement of claim and his written arguments at Ex. 22 & Ex. 27 and emphasized that the second party / workman was working with the employer / Bank as daily wager / Peon since the year 1989 till he was terminated on 07.04.2003. It was further argued that the workman had worked for more than 240 days during the year preceding the termination order dated 07.04.2003 and his name was forwarded by the Branch Manager of the employer / Bank for his regularization in view of one circular letter dated 03.05.2001 (not on record) issued by the first party / employer. Despite fulfilling all required eligibilities, he has been illegally terminated without giving any notice / notice pay in violation of principles of natural justice. Requested to grant the prayer of reinstatement with back wages and continuity of service. He has cited following case law in support of his arguments which are briefly discussed herein. (1) D. K. Yadav V J. M. A. Industries Ltd., 1993 SCR (3) 930 – The Apex Court found the action of the management in terminating the appellant's service even under existing clause 13 (2) (iv) of certified standing order, as violative of the principles of natural justice. (2) Madhu (Smt.) V Presiding Officer, Labour Court, Amritsar & anr., 2012 II CLR 332 (P&H) – It was held that the termination of petitioner's service in the back ground that it was seven days short of 240 days and without enquiry, amounted to unfair labour practice. (3) Novartis India Ltd. V State of West Bengal & ors., 2009 II LLJ (9) SC – It was held that burden of proving no alternative employment lies on workman, if

discharged by workman, it shifts to employer. (4) Central Bank of India V S. Satyam & ors., 1996 SCALE (5) 567 SC – It was held that retrenchment is not limited only for the benefit of the workman to whom Section 25 (F) applies but for all cases of retrenchment. (5) S. R. Bharai V Union of India, 2005 (0) AIJEL-HC 214080 (Guj) – It was held that daily wager is entitled to protection of Section 25 F of I.D. Act provided he has continuously served for a requisite statutory minimum period in a year. (6) State Bank of India V N. Sundaramoney, AIR 1976 SC 1111 – Hon'ble Supreme Court held that Section 25 F, 25 B and 2 (oo) have a workers' mission and the input of Part IV of the Constitution also underscores the benignant approach. The requirement prescribed by S. 25 (F) (b) is condition precedent for the retrenchment of the workman. (7) Punjab Land Development & Reclamation Corporation Ltd., Chandigarh V Presiding Officer, Labour Court, Chandigarh with 10 others, 1990 (0) AIJEL-SC 21711 – Hon'ble Supreme Court held that 'retrenchment' means the termination by the employer of the services of a workman for any reason whatsoever except those expressly excluded in this Section. (8) Sarabhai Chemicals V Subhash N. Pandya, 1984 (1) GLR 329 (Guj) – Hon'ble Gujarat High Court held that the retrenchment in contravention of Section 25 F is illegal. (9) Management of M. C. D. V Prem Chand Gupta, 1999 (0) AIJEL-SC 16977 – Hon'ble Supreme Court held that the termination of workman whose service was not less than 240 days of continuous service for one calendar year immediately preceding the date of termination amounting to retrenchment attracting S. 25 F of the I.D. Act. (10) Vikramaditya Pandey V Industrial Tribunal, Lucknow, 2001 (0) AIJEL-SC 34235 – Hon'ble Supreme Court held in the fact of this case that termination of workman was clearly retrenchment, hence, he was reinstated with back wages. (11) Bank of Baroda V Ghemarbai Harjibhai Rabari, 2005 (0) AIJEL-SC 2847 – Hon'ble Supreme Court upheld the order of Labour Court & Hon'ble Gujarat High Court in respect of the reinstatement of workman as no evidence was produced by the Bank in support of its claim. (12) Veer Narmad South Gujarat University V Satishkumar Ramjibhai Patel, 2010 (0) AIJEL-HC 223183 (Guj) – Hon'ble Gujarat High Court held that the provisions of S. 25 F of the I.D. Act are applicable to the retrenched employee who was engaged on temporary basis to cope with burden of extra work in the University. (13) Dhrangadhra Municipality V Ganpatbhai Jethabhai Makwana, 2007 (0) AIJEL-HC 219471 (Guj) – Hon'ble High Court held that mere raising of contention in written statement and reiteration thereof in oral evidence and written submission is not enough. Employer is required to satisfy as to how and why workman is not entitled for benefit of S. 25 F of the I.D. Act. (14) Bhavnagar Zilla Sahakari Sangh Ltd. V Dhiren P. Parekh, 2006 (0) AIJEL-HC 216882 (Guj) – Hon'ble High Court found termination of employee without following mandatory provision of S. 25 F of the I.D. Act as illegal. (15) State of Gujarat V Dilipbhai Babubhai Patel, 2015 (1) CLR 690 (Guj) – Hon'ble High Court upheld Labour Court judgement of reinstatement of workman with 25 % back wages as the termination was in disregard to S. 25 F of the I.D. Act. (16) Hitendrasinh A. Jadeja V Integrated Child Development Scheme Officer, 2016 JX (Guj) 763 – Hon'ble High Court directed reinstatement of the appellant on the ground of violation of S. 25 H of the I.D. Act by the employer.

10. Ld. Counsel for the first party / employer has argued as per his written statement and written argument at Ex. 24 and emphasized that the said workman was not sponsored by the 'Employment Exchange' and has not been recruited by the employer / Bank as per Bank's rules and regulations. He was engaged as casual worker on daily wages, purely on temporary basis, by the Branch Manager, Bank of Baroda, Gondal Branch who was not competent to engage. Parties have no employer – employee relationship. No industrial dispute exists between the parties, hence, this Tribunal lacks jurisdiction. He has cited Sindhu Resettlement Corporation Ltd. V Industrial Tribunal of Gujarat, 1967 Law Suit (SC) 252 (3 judges bench), wherein Hon'ble Supreme Court interpreted Section 25 (F) and Section 2 (oo) of the I. D. Act and held that where an employee is transferred to subsidiary company with his consent and received retrenchment compensation from new company, he cannot claim reinstatement in principal company. Refusal by Principal Company to re-employ cannot be termed retrenchment. Mere demand with government cannot be an industrial dispute. Ld Counsel for the employer has further argued that the burden is on the workman to prove his case and cited Municipal Corporation, Faridabad V Siri Niwas, 2004 Law Suit (SC) 988, wherein Hon'ble Supreme Court has held that the burden of proof is on the workman to show that he had worked for 240 days in preceding twelve months prior to his alleged retrenchment. In the fact of this case, Hon'ble Supreme Court found the retrenchment valid as neither the relevant documents were produced by the workman nor did he call upon the employer / appellant to produce the documents.
11. At the very outset, it is of utmost importance that the question raised by the first party / employer in respect of this Tribunal lacking jurisdiction, be answered first. The perusal of the pleadings of both the parties shows that the employer / Bank has admitted that the Branch Manager, Bank of Baroda, Gondal Branch, Gondal engaged the present workman as casual daily wager and has not denied the duration of his working with the Bank as stated in workman's claim from the year 1989 till the date of termination on 07.04.2003.

The employer / Bank is Bank of Baroda, a banking company as defined under Section 5 of the Banking Companies Act, 1949, hence, an 'Industry' as defined under Section 2 (j) of Industrial Disputes Act, 1947. Employer / Bank has also admitted in his written statement that the wages were paid to the workman, hence the parties have employer and employee relationship and the present dispute is an 'Industrial Dispute' under Section 2 (k) of Industrial Disputes Act, 1947. The facts of Sindhu Resettlement Corporation Ltd. (supra) are different and not applicable to the present case in hand. Hence, this Tribunal is competent and have jurisdiction to adjudicate upon the existing industrial dispute between the parties.

12. The substance of case law cited by the Ld. Counsel for the workman is that if the workman has completed service of 240 days in preceding one year, the compliance of Section 25 F of the Industrial Disputes Act is mandatory. The observance of principle of natural justice has become part and parcel even for the administration and quasi judicial authorities. Termination without compliance of provisions of Industrial Disputes Act amounts to unfair labour practice and illegal. Daily wager is entitled to the protection of Section 25 F of the Industrial Disputes Act provided he has continuity of service for a requisite statutory minimum period in a year.
13. It is no doubt, well established principle of law that the workman has the burden to prove that he worked for 240 days in preceding twelve months prior to his termination. In terms of Section 25 F of the Industrial Disputes Act, 1947, an order retrenching a workman would not be effective unless the conditions precedents thereof are satisfied. The second party / workman Shri Kalpesh G. Mehta has, in his examination-in-chief, repeated the averments of his statement of claim. In his cross-examination, he has authenticated bank certificate (Ex. 18), in which, his working days are shown as 33 days in the year 1996 and also authenticated the bank certificate (Ex. 19) depicting his working of 57 days in the year 1990-91. He has further tried to prove the advertisement Ex. 20 issued by the Bank of Baroda. Perusal of Ex. 20 shows that there is an invitation of applications from the workmen, working as Peon in the Bank of Baroda's Branch throughout India who have worked for 90 days from 01.01.1982 to 31.12.1990, for preparing panel. The date of issuance of this advertisement is not legible. According to the workman's claim, he started working in the Bank from the year 1989, worked for 55 days in the year 1989 and worked for 19 days in the year 1990, hence, according to this advertisement; the workman was not appearing to be entitled for such empanelment. This apart, the second party / workman filed tripartite settlement dated 18.03.2008 enclosed with Bank's circular letter dated 24.03.2008 (Ex. 8) between the Management of Bank of Baroda and All India Bank of Baroda Employees' Federation. The settlement appears to be in respect of absorption of still working temporary Peons / Sweepers who had worked for 90 days or more from 01.01.1982 to 31.12.1989, from 01.01.1990 to 31.12.1990 and 240 days from 01.01.1991 to 29.02.1996. The workman was not still working in the year 2008. This seems to have kept him out of the purview of above circular letter.
14. It is worth mentioning that the second party / workman has given the details of his work done with the employer / Bank from the year 1989 till the year 2003 as depicted above in the tabulation form. However, the relevant period for counting 240 days of his work during the year preceding the termination order dated 07.04.2003 is to be seen. The workman has, in line with the statement of his claim, depicted 278 days from 12.01.2002 to 31.01.2003 and 78 days from 04.01.2003 to 07.04.2003. According to this description, the number of days from 12.01.2002 to 07.04.2003 becomes $278+78-27=329$ days. As the relevant period of one year is to be taken from 07.04.2002 to 07.04.2003, hence even if all days including holidays from 12.01.2002 to 06.04.2003 ($20+28+31+6=85$ days) are to be excluded from this figure, the remaining number of work days during preceding one year from the date of termination on 07.04.2003 will be equal to 329 days - 85 days = 244 days. Now, it is to be seen whether this figure of 244 days, i.e. more than 240 days in preceding year from the date of termination in terms of Section 25(B) of Industrial Disputes Act, 1947, is substantiated by the evidence?
15. The workman Shri Kalpesh G. Mehta has repeated the averments of his claim of more than 240 days of work done by him with the employer / Bank in his examination-in-chief. The first party / employer / Bank has neither specifically denied the factum of working details of Shri Kalpesh G. Mehta, in written statement nor suggested anything in the cross-examination that the workman did not work for more than 240 days in the current year preceding the termination order.
16. However the information provided by Branch Manager, Gondal Branch, Bank of Baroda at Ex. 8/5 depicts total 519 days as on issuance of this information on 09.05.2001. The workman moved an application dated 15.02.2010 for directing the employer for production of certain documents like application moved to seek employment, vouchers of payment and bonus, muster roll, salary statement etc., on the ground that the said documents were in the custody and in possession of the first party / Bank. This Court vide order dated

09.12.2013, when no reply was filed by the employer, passed an order directing the first party / employer / Bank to produce the said documents. Instead of production of said documents in compliance of this Court's aforesaid order, the employer / Bank filed its objection dated 19.12.2013 stating that the workman has no right for seeking production of said documents. The employer / Bank did not deny the fact of custody and possession of said documents with it. The employer / Bank never pressed to set aside the order dated 09.12.2013. It is abundantly clear that the employer / Bank, without any reasonable excuse, did not produce the said documents sought by the workman.

17. The second party / workman Shri Kalpesh G. Mehta has stated in his cross-examination that he used to receive wages from the Bank after making his signatures and the amount was credited in his Bank's account no. 6918. He has further stated that he was also paid bonus in his Bank's account. Bank's slips to Sub-treasury Officer / Registrar, Gondal filed at Ex. 21/4 dated 27.07.1999, Ex. 21/5 dated 09.04.1997, Ex. 21/6 dated 04.01.1999, Ex. 21/7 dated 05.10.1999, Ex. 21/8 dated 30.11.1998, Ex. 21/9 dated 17.06.1994, Ex. 21/10 dated 14.06.1997, Ex. 21/11 dated 17.07.1998 and Ex. 21/12 dated 09.05.2001, show that the Branch Manager, Bank of Baroda, Gondal has time and again authorised Mr. Mehta to receive certain documents, stamps etc. from the concerned authorities.
18. According to the employer Bank's payment advices marked as Ex. 21/15 dated 10.09.1997, bonus of Rs. 219/- is shown to have been paid to Shri Mehta for the year 1996-97, according to Ex. 21/16 dated 19.09.2001, bonus of Rs. 2499/- is shown to have been paid to Shri Mehta for the year 2000-01, according to Ex. 21/17 dated 23.09.2002, bonus of Rs. 2499/- is shown to have been paid to Shri Mehta for the year Nil and according to Ex. 21/18 dated 16.10.2003, bonus of Rs. 2499/- is shown to have been paid to Shri Mehta for the year Nil. The employer' witness Shri Jaydev Avinash Mehta, Senior Branch Manager, HRM, has in his cross-examination admitted the genuineness of the Bank's documents including others as Ex. 21/4 to Ex. 21/19. This witness has also admitted the genuineness of Bank's papers Ex. 8/1 and Ex. 8/5 to Ex. 8/10 being Bank's papers.
19. It is abundantly clear that the first party / employer has not denied the duration of work done by the second party / workman Shri Kalpesh G. Mehta specifically in its written statement. The witness of the first party / employer Shri Jaydev Avinash Mehta, working as Senior Manager, HRM, Bank of Baroda, has not denied in his affidavit submitted in his examination-in-chief, the fact that the workman has not worked for 240 days in the calendar year preceding the termination order, rather he has in his cross-examination, shown ignorance saying "I don't know as to whether second party workman did work for more than 240 days in each calendar year". Even the employer has not suggested to the workman / witness Shri Mehta in his cross-examination that he has not worked for 240 days in the preceding year before his termination order dated 07.04.2003. An adverse inference may also be drawn against the employer / Bank for neither denying the non-availability of the documents with the Bank nor producing the documents directed to be so produced vide Court's order dated 09.12.2013. The factum that Shri Mehta was being regularly paid bonus and in particular, vide bonus receipt advice Ex. 21/18 dated 16.10.2003 indicating to be possibly paid for the regular working of Shri Mehta in the preceding year i.e. 2002-03. The workman Mr. Mehta has therefore provided documentary evidence along with his oral evidence. He also sought the employer to produce those documents which were not in his custody. Hence the workman has discharged his burden of proof. The facts of Municipal Corporation Federation (supra), being distinct and distinguishable, are not applicable to the present case.
20. The employer / Bank cannot get away by saying that the engagement of the workman by its Branch Manager was not approved by competent authority. Hon'ble Supreme Court in N. Sundaramoney (supra) has expressed its opinion that Industrial Disputes Act, 1947 is a welfare legislation. Section 25 F, 25 B and 2 (oo) of the Act, have a workers' mission with the input of Part IV of the Constitution. Had the employer / Bank known the law and acted on it, half a months pay would have concluded the story. But that did not happen and now, some years have passed and the Bank has to pay for no service rendered. Shri Mehta worked for more than 240 days in the year preceding to termination order dated 07.04.2003. His termination amounts to retrenchment without mandatory compliance of Section 25 (F) of the Industrial Disputes Act and is held as illegal. The action of the management of the Bank of Baroda, Rajkot in terminating the services of Mr. Kalpesh G. Mehta Temporary Daily Wager w.e.f. 07.04.2003 is declared as illegal and unjustified. The reference is accordingly answered in negative against the employer / Bank and in favour of the workman.
21. As far as, grant of relief is concerned, it is traced from the paper Serial No. 5 dated 09.05.2001 annexed to documents list Ex. 8 that the reasons of engagement of Shri Mehta were three fold (1) two sub-staff were on leave (2) In august 1997, permanent sub-staff were transferred and other staff was on leave and (3) after

V.R.S., only one staff was in cash Peon and one Daftary etc. The employer's witness Shri Jaydev Avinash Mehta, Senior Branch Manager, HRM, has stated in his cross-examination that more than 20 persons were appointed at various sub-staff cadre including part time staff after retrenchment of this workman in Rajkot region. It is not clear as to whether any casual or daily wager post exists in the employer / Bank as on today? In such circumstances, reinstatement may lead to confusion and multiplicity of proceedings, which may not be in the public interest. Instead of reinstatement, it deems just and proper to award a lump-sum compensation to the workman. Considering the service rendered by the workman from the year 1989 till the year 2003 and also keeping in view the upward swing in cost inflation index, the workman Shri Kalpesh G. Mehta is accordingly awarded a lump-sum compensation of Rs. 200000/- (Rupees Two Lakhs Only) to be paid by the first party / employer / Bank within two months after the publication of the award.

22. The award is passed accordingly.

Let two copies of the Award be sent to the appropriate Government for the needful and for publication.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 12 मई, 2023

का.आ. 813.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधतंत्र के सबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट संदर्भ संख्या (1/2019) को प्रकाशित करती है।

[सं. एल-12025/01/2023- आई आर (बी-1) -59]

सलोनी. उप निदेशक

New Delhi, the 12th May, 2023

S.O. 813.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.1/2019) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2023- IR(B-I) -59]

SALONI, Dy. Director

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
HYDERABAD**

Present: - **Shri Irfan Qamar,**
Presiding Officer

Dated the 3rd day of March, 2023

M.P. No. 1/2019

Between:

Sri T. Suresh Babu.

S/o T. Somasesekhara Rao.

R/o Flat No.401, III floor, Aditya Vihar,

Akulavari Veedhi, Opp. Maruthi kalian Mandapam,

Simhachalam, Visakhapatnam -530028.

.....Petitioner

And

1. The Branch Manager,
State Bank of India,
Jagadamba Junction Branch,
Prakasaraopeta, Visakhapatnam -2.
2. The Asst. General Manager,
State Bank of India,
Zonal Office/Regional Office,
Bakajinagar, Sripuram,
Visakhapatnam.Respondents

Appearance:

For the Petitioner: Sri M. Madhusudhan, Advocate

For the Respondent : M/s. V. Uma Devi & N. Srinivas, Advocates

ORDER

This petition under Sec.33 C(2) of the Industrial Disputes Act, 1947 has been filed by the Petitioner seeking computation of wages due to as per award of this Tribunal dated 1.8.2017 passed in ID No.48/2006, and to direct the Respondent Management to pay Rs. 2,77,627/- along with interest of 18% pa.

2. Respondent is set ex parte for non-appearance. The case is posted for Petitioner's evidence. Perusal of the record reveals that Petitioner is absent since 4.2.2020. It appears that the Petitioner do not want to prosecute his application u/s. 33C(2) of the Act. Therefore, the petition u/s 33C(2) is dismissed for non-prosecution.

Ordered accordingly.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 3rd day of March, 2023.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 15 मई, 2023

का.आ. 814.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नेशनल बैंक फोर अगरीकलचर एण्ड रुरल डिप्लोमेंट _____ के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय पुणे के पंचाट (25/2018) प्रकाशित करती है।

[सं. एल-12012/09/2018- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 15th May, 2023

S.O. 814.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.25/2018) of the Industrial .Tribunal-cum-Labour Court Pune as shown in the Annexure, in the industrial dispute between the management of National Bank for Agriclutture and Rural Development and their workmen.

[No. L-12012/09/2018- IR(B-I)]

SALONI, Dy. Director

ANNEXURE**IN THE INDUSTRIAL TRIBUNAL AT PUNE REFERENCE (IT) NO. 25 OF 2018**

Dy. General Manager,
 National Bank for Agriculture and
 Rural Development,
 54, Wellesley Road, Shivajinagar,
 Pune 411 005.

... **First Party.**

VERSUS

The Secretary,
 NABARD Employees Association,
 C/o NABARD, Maharashtra Regional Office,
 54, Wellesley Road, Shivajinagar,
 Pune 411 005.

... **Second Party.**

CORAM	:-	SHRI. K.N. GAUTAM, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PUNE.
APPEARANCES	:-	•Shri. D.V. Kulkarni, Learned Advocate for the First Party. •Shri. Sanam Kabre, Learned Advocate for the Second Party.

: - AWARD:-

(Dated : 10th April, 2023)

This is a reference made by Ministry of Labour, Government of India, New Delhi by its order dated 26.09.2018 for deciding whether Mr. Suresh M. Dalvi is a workman, whether the action of the management of NABARD not acting upon the recommendations of the selection panel which has been kept in sealed cover in respect of interview/selection of Mr. S.M. Dalvi even after conclusion of disciplinary proceedings is proper, legal, and justified, whether secret circular dated 04.03.2008 is applicable to the cases of internal selection, whether the secret circular dated 04.03.2008 has force of law and whether it can be considered as legal rule for the employees of NABARD.

Facts of the case of Second Party :

2. It is the case of the Second Party that it is the registered trade union and sole recognized body by the management of NABARD having its affiliation with All India NABARD Employees Association (AINBEA), Mumbai. The First Party NABARD is an institution which comes into existence by virtue of National Bank for Agriculture And Rural Development Act, 1981 (hereinafter called as "Act"), hence it is a statutory body.

3. The workman Mr. Suresh Dalvi is a member of the Second Party union and working with First Party and he has completed 34 years of services. He was suspended on 16.03.2017 due to alleged incident of misconduct taken place on 15.03.2017. The management of the First Party thereafter, conducted inquiry under the provisions of NABARD Staff Rules, 1982. After completion of inquiry, the competent authority revoked the suspension of Mr. Suresh Dalvi vide order dated 30.06.2017 with effect from 03.07.2017. The period of his suspension from 06.03.2017 to 02.07.2017 has been regularized by granting extra-ordinary leave without pay and allowances not counted for increment and not reckoning towards qualifying service for pension. Mr. Suresh Dalvi has been awarded with punishment i.e. penalty of reducing his pay by two stages in the pay scale on a permanent basis without affecting stagnation increment.

4. The Second Party contended that the First Party management issued administrative circular dated 21.03.2017 inviting the applications from the employees in 'Group B' for promotion by taking their test and interview as per provisions of bipartite settlements. Mr. Suresh Dalvi was also called for interview for promotion and he attended the interview accordingly on 22.05.2017, while he was under suspension. The First Party conducted examination for said post for which about 250 employees appeared and out of which 49 candidates were selected and 37 candidates appeared for the interview. Mr. Suresh Dalvi has appeared for all the three tests and he was called for interview. The result of his interview was kept in sealed cover and the result of other candidates was declared on 19.06.2017. Mr. Suresh Dalvi was informed vide letter dated 19.09.2017 that his result of interview for promotion is kept in sealed cover and the findings in the sealed cover shall not be acted upon in view of awarding of punishment as per the rules in vogue. Mr. Suresh Dalvi

requested the First Party management to supply him the copy of rules which are in vogue and accordingly, he was furnished with the copy of rules which was in vogue. The results of Mr. Suresh Dalvi and other three employees were kept in sealed cover as per circular dated 04.03.2008. As the penalty was imposed on Mr. Suresh Dalvi due to disciplinary proceeding, hence the findings in the sealed cover were not acted upon in terms of the provisions of the circular dated 04.03.2008. It is alleged that the circular dated 04.03.2008 has been kept secret by the First Party management and clandestinely applied against Mr. Suresh Dalvi. Mr. Suresh Dalvi has made application on 24.09.2017 for review of matter of his promotion, but not replied. No punishment was awarded to Mr. Suresh Dalvi regarding withholding of his future promotion, even then his promotion was withheld. Therefore, he filed complaint dated 08.01.2018 before Regional Labour Commissioner, Pune. The First Party with malafide intention tried to convert the secret letter dated 04.03.2008 into a rule, which is against the principles of natural justice and hence, said letter is required to be declared as null and void. The Second Party contended that Mr. Suresh Dalvi is victimized and unfair labour practices have been committed against him by the First Party. In such circumstances, the Second Party contended that the secret letter dated 04.03.2008 is null and void and having no force of law. It is also prayed that the sealed cover is required to be opened and promotion be given Mr. Suresh Dalvi with retrospective effect along-with full back salary and incidental benefits.

Facts of the case of the First Party :

5. The First Party filed its written statement at Exh.C-4 and denied all the contentions of the Second Party. However, it admitted that vide administrative circular dated 21.03.2017, applications were sought from the employees in “Group B” for promotion. It is also admitted that Mr. Suresh Dalvi appeared in said promotion process and attended interview when he was under suspension.

6. The First Party contended that the statement of claim filed by the Second Party union is misconceived in law and fact. It is contended that this Tribunal is having no jurisdiction for the purpose of adjudication over the dispute raised before it under Section 10(1)(d) read with Section 12 (5) of the Industrial Disputes Act and therefore, the Central Government having no authority to refer said dispute for adjudication. It is contended that there are seven bipartite settlements, which are merely for financial purpose and by virtue of which the service conditions of the employees are also being governed. It is contended that Mr. Suresh Dalvi is by virtue of his nature of duties and salaries cannot be styled as a workman. Hence, this Tribunal has no jurisdiction to entertain the present dispute.

7. It is contended that charge-sheet was served on Mr. Suresh Dalvi on 15.03.2017 on the basis of the incident occurred alleging therein, that he had indulged in the act of disobedience of the instructions and for using inappropriate and insulting language against General Manager of NABARD. There was also charge of tampering with the office record forcibly against him. He has given his explanation on 24.03.2017, which was found unsatisfactory, hence the departmental inquiry conducted against him. In said inquiry, due opportunity of being heard in accordance with the service conditions and as per the principles of natural justice were provided to Mr. Suresh Dalvi. During pendency of inquiry, he was suspended vide order dated 16.03.2017 and after completion of said inquiry, as per the rules his suspension was revoked and he was inflicted with the punishment of reduction of his pay by two stages in the wage scale on permanent basis without affecting stagnation increment and leave regularized by granting extra-ordinary leave without pay and allowance, not counting for increment and not counting for qualifying service for pension. It is contended that by administrative circular dated 21.03.2017, applications were sought from the employees of Group ‘B’ of NABARD for promotion. The eligible employees including Mr. Suresh Dalvi appeared in said promotion test. However, as Mr. Suresh Dalvi was subjected to departmental inquiry, hence his result of interview has been kept in sealed cover, which cannot be disclosed to anyone in view of instructions/rules/circulars governing the service conditions of Mr. Suresh Dalvi. It is contended that the result was declared on 19.06.2017 and the interview result of Mr. Suresh Dalvi is kept in sealed cover as per circular dated 04.03.2008 in view of penalty imposed on him in pursuance of disciplinary proceedings. It is contended that Mr. Suresh Dalvi cannot claim promotion as a matter of right and the rules for sealed cover have been properly observed. It is contended that there are no malafides on the part of NABARD and its action is legal, just and proper. Lastly, it is contended that statement of claim may be rejected.

8. In view of rival pleadings of both the parties, my learned predecessor framed issues vide Exh. O-6. The said issues are reproduced hereinbelow with my findings thereon for reasons to follow :-

ISSUES

1. Whether the Second Party proves his status as workman within the meaning of Section 2(s) of the Industrial Disputes Act,

FINDINGS

Yes.

	1947 ?	
2.	Whether action of the First Party not acting upon the recommendations of the selection panel, which has been kept in sealed cover in respect of interview/selection of Mr. S.M. Dalvi even after conclusion of the disciplinary proceedings is proper, legal and justified?	No.
3.	Whether secret circular No. NB/HRMD.PA./6961-7038/PA-29/2007-08 dt. 04.03.2008 is applicable to the cases of internal selection ?	No.
4.	Whether the said circular was applicable for employees of the First Party in normal course ?	No.
5.	Whether Second Party is entitled for grant of promotion to S.M. Dalvi with retrospective effect, full back salary with interest, seniority and all the incidental benefits ?	If the result in sealed cover is found in favour of Mr.S.M. Dalvi, then he is entitled for promotion with retrospective effect, full back salary and incidental benefits.
5.	Whether Second Party is entitled for opening the sealed cover before the Court ?	The Second Party is entitled for opening sealed cover by General Manager of the First party in presence of Mr.S.M.Dalvi.
6.	What Award ?	As per final order.

REASONS

9. In the instant case, the Second Party has examined Mr. Ramchandra Pisal, the President of Second Party union at Exh. U-22 and the workman Mr. Suresh Dalvi at Exh. U-29. However, Mr. Ramchandra Pisal remained absent after his initial cross examination and thereafter, never appeared for further cross examination. Hence, as he is not subjected to cross examination, therefore, his evidence cannot be considered to prove the case of Second Party union.

As to Issue No.1 :

10. It is the contention of the Second Party that Mr. Suresh Dalvi is a workman performing various duties since 03.02.1984. Mr. Suresh Dalvi has deposed in his evidence at Exh. U-29 that during his tenure, he was not having any authority to sign any cheque, to initiate any domestic inquiry against any employee and to involve in any policy decision of the First Party Bank. He deposed that during his entire tenure, he worked as per direction of his superiors and considering his nature of duty, he was working in clerical capacity, hence he is a workman as defined under Section 2(s) of the Industrial Disputes Act, 1947. He specifically deposed that only Class III and Class IV employees can become member of union and he became member of union since the year 1985. To prove said fact, he relied upon receipt about payment of subscription

to the union at Exh. U-37. During cross examination of said witness, the said facts deposed by him are not disputed. On the contrary, it was brought on record that he consulted the Secretary of NABARD Employees Association i.e. union before giving evidence in the instant case of which he is member. It shows that he is the member of the Second Party Union. He has denied during his cross examination that he was doing administrative and managerial nature of work.

11. In fact, in her evidence at Exh. C-14, Deepa Karani, the witness of the First Party has not uttered a single word that Mr. Suresh Dalvi is not a workman and he was performing administrative and managerial function. It is nowhere brought on record by way of evidence that Mr. Suresh Dalvi was performing administrative, supervisory and managerial functions and he was not workman. On the contrary, Mrs. Deepa Karani deposed during her cross examination that Mr. Suresh Dalvi was a workman and he was allowed to appear in examination. She has also admitted that Mr. Suresh Dalvi is the member of Second Party union. Actually, she referred Mr. Suresh Dalvi as workman in her cross examination. It means that the First Party has not disputed the fact that Mr. Suresh Dalvi is a workman.

12. Therefore, from the aforesaid discussion, it is duly proved that Mr. Suresh Dalvi is a workman within the meaning of Section 2(s) of the Industrial Disputes Act. I, therefore, answered Issue No. 1 in the affirmative.

As to Issue No. 2 to 6 :

13. The facts which leads to framing of Issue Nos. 2 to 6 are same and dispute involved is in respect of circular dated 04.03.2008 by virtue of which the result of Mr. Suresh Dalvi was kept in sealed cover. The said dispute is to be considered while deciding said issues. Hence, in order to avoid repetition and for the sake of brevity, I find it desirable to discuss and decide said issues together.

14. At the outset, the learned counsel for the First Party raised objection that this Court is having no jurisdiction to adjudicate the present reference as per the provisions of Section 10(1)(d) read with Section 12(5) of the Industrial Disputes Act. However, the matter is related to wages of the workman Mr. Suresh Dalvi, which comes under third schedule of the Industrial Disputes Act. Hence, the reference made to this Court is perfectly legal and valid.

15. It is the pleading of the Second Party and also disclosed in the evidence of its witness Mr. Suresh Dalvi (Exh. U-29) that, he was suspended on 16.03.2017 for alleged incident of misconduct took place on 15.03.2017. Thereafter, the management of First Party conducted inquiry. On completion of inquiry, his suspension was revoked vide office order dated 30.06.2017 (Exh. U-38). The period of his suspension was from 16.03.2017 to 02.07.2017. His suspension was regularized by granting extra ordinary leave without pay and allowance and not counting for increment and not reckoning towards qualifying service for pension. After conclusion of inquiry, he was awarded punishment of penalty of reducing his pay by two stages in the pay scale on permanent basis.

16. It is disclosed in the evidence of Mr. Suresh Dalvi (Exh. U-29) that First Party management issued administrative circular dated 21.03.2017 (Exh. U-39) inviting the applications from the employees in Group B for appearing in test/interview for promotion as per the provisions of bipartite settlements. He was also called for interview for promotion and he attended the interview on 22.05.2017. He filed the list at Exh. U-41 showing that he was called for interview. He deposed that he appeared for all three tests, but not selected and his result was kept in sealed cover. The results of other candidates were declared. He filed the list of candidates who were promoted at Exh. U-40. He was intimated vide letter dated 19.09.2017 at Exh. U-42 that his result is kept in sealed cover and the findings in the sealed cover shall not be acted upon as the competent authority imposed penalty on him in respect of charge-sheet dated 15.05.2017. Thereafter, he requested to First Party management to supply the copy of instructions/rules/provisions, which are in vogue and the First Party furnished him the copy of instructions which is in vogue i.e. circular dated 04.03.2008 (Exh. U-43), wherein it is mentioned that as per said circular, his result is kept in sealed cover. In Exh. U-43, it is mentioned that if a penalty is imposed on the employee as a result of disciplinary proceedings, then the findings in the sealed cover shall not be acted upon. The Second Party specifically contended that instructions/circular/letter dated 04.03.2008 at Exh. U-43 was kept secret by the First Party management and clandestinely applied against Mr. Suresh Dalvi, which is against the principles of natural justice. Mr. Suresh Dalvi deposed that he requested the First Party for opening sealed cover and to inform him about his result vide letter dated 24.09.2017 (Exh. U-44).

17. The Second Party specifically pleaded that the secret letter dated 04.03.2008 was converted into a rule by the First Party with malafide intention. It is also pleaded that letter dated 04.03.2008 is not applicable to internal selection and legally it is not a circular but a formal letter having no force of law without

sanction from Board of Directors of NABARD. It is contended that it is advisory in nature and cannot be considered as rule for employees of NABARD.

18. Per contra, the First Party contended that the charge-sheet served on Mr. Suresh Dalvi on 15.03.2017, as he was indulged in act of disobedience of instructions and for using inappropriate and insulting language against General Manager of NABARD and after inquiry he was inflicted with punishment of reducing his pay by two stages in the wage scale on permanent basis. It is contended that Mr. Suresh Dalvi was punished in departmental inquiry held against him and hence, his result of interview was kept in sealed cover as per circular dated 04.03.2008 and there is no malafide on the part of First Party.

19. The First Party has examined Deepa Karani, Assistant General Manager at Exh. U-41 to prove its contention. She deposed that Mr. Suresh Dalvi was suspended during pendency of inquiry and at that time he was called along-with other candidates for interview on 22.05.2017 for promotion from Group 'B' to Grade A (Assistant Manager) and the result of interview was declared on 19.06.2017. She deposed that as per the Office Memorandum dated 14.09.1992 of Government of India, the result of Mr. Suresh Dalvi was kept in sealed cover to be acted upon on the conclusion of the disciplinary proceeding. As per clause 3.1 of said circular, the sealed cover was not opened and the result of Mr. Suresh Dalvi was not declared. She specifically deposed that as per rules of NABARD, Mr. Suresh Dalvi cannot claim any relief pertaining to any promotion.

20. The said witness i.e. Deepa Karani has not referred the letter/circular dated 04.03.2008 at Exh. U-43 in her evidence as per which the First Party has kept the result of interview of Mr. Suresh Dalvi in sealed cover. On the contrary, she referred the Office Memorandum dated 14.09.1992 of Government of India. The said Office Memorandum is not proved by the witness of the First Party. However, even if for the sake of argument and not otherwise if said Office Memorandum is considered, even then its contents clearly shows that it is applicable to the Government servants against whom the disciplinary proceedings are pending. Obviously, the NABARD of which Mr. Suresh Dalvi is employee is the Government Undertaking and hence, he is the employee of NABARD and not Government servant. Generally, the employee, whose salary is being paid out of the consolidated funds of India is a central government employee. Hence, the employees of NABARD, whose salary being paid by NABARD cannot be said to be Government employee. In Office Memorandum dated 14.09.1992, it is nowhere mentioned that it is applicable to the employees of NABARD and even its copy was not sent to NABARD. Moreover, there is nothing brought on record to show that Office Memorandum dated 14.09.1992 was adopted and made applicable by NABARD to its employees by passing any resolution in this regard by its Board of Directors. In fact, Deepa Karani (Exh.C-41) deposed that she is unable to say that whether the staff rules are silent in respect of directions included in Office Memorandum dated 14.09.1992. Therefore, in such circumstances, Office Memorandum dated 14.09.1992 is not applicable to NABARD i.e. First Party.

21. So far as secret letter dated 04.03.2008 at Exh. U-43 is concerned, the said letter is issued by General Manager of NABARD and not by its Board of Director. Moreover, as discussed above the said secret letter is not referred by the witness of the First Party in her evidence and she nowhere deposed that as per said letter the result of Mr. Suresh Dalvi was kept in sealed cover. As per the NABARD (Staff) Rules 1982, which is updated upto 11.2.2019, there is no provision of keeping result of employees undergone departmental inquiry and punished in sealed cover. As per the Rule 4 of NABARD (Staff) Rules 1982, no new rule or alteration in any existing rule shall have force until passed as a resolution of the Board and issued in the form of a circular for circulation among the staff. The Rules 5 and 5A of NABARD (Staff) Rules 1982 are in respect of delegation of power of Chairman and Managing Director of NABARD. However, there is nothing brought on record to show that the rule mentioned in secret letter dated 04.03.2008 at Exh. U-43 was enforced by passing any resolution as provided in Rule 4 of NABARD (Staff) Rules 1982. Moreover, there is nothing in secret letter dated 04.03.2008 at Exh. U-43 to show that General Manager who issued said letter was delegated with power by Chairman or Managing Director under Rule 5 and 5A of NABARD (Staff) Rules 1982 or authorized by Board of Directors to issue said secret letter. As a last resort the learned counsel for the First Party at the time of argument relied upon copy of internal communications of the year 2008 to prove that General Manager was authorized to issue secret letter dated 04.03.2008. However, firstly, said document is not proved and even otherwise as per the contents of said document, the draft circular about adopting procedure of sealed cover was sent to law department for vetting. It is nowhere brought on record that law department has given approval to said procedure. Moreover, in said document, it is nowhere provided that General Manager was authorized to issue secret letter dated 04.03.2008. In fact, said document is in form of internal communications not reduced in form of resolution and even not incorporated in staff rules. In staff rules i.e. NABARD (Staff) Rules 1982, there is no procedure regarding keeping result of employees whose inquiry is pending in sealed cover.

22. The learned counsel for the First Party placed reliance on the case of **Union of India Vs. K.V. Janakiraman, 1991 II LLJ 570 (SC)** to prove his contention regarding sealed cover procedure. However said authority is in respect of as to when the sealed cover procedure has to be resorted to. In the present case, as discussed above, the procedure of sealed cover is not applicable. Hence, the said authority on completely different issue is not helpful to prove the contention of the learned counsel for the First Party.

23. Therefore, from the aforesaid discussion, it is quite apparent that the secret letter dated 04.03.2008 having no force of law and it is simple letter issued by the General Manager and not converted into the circular of staff rules applicable to the employees of First Party i.e. NABARD. Hence, certainly the action of the First Party of keeping the result of Mr. Suresh Dalvi in sealed cover as per letter dated 04.03.2008 at Exh. U-43 is not legal and justified. I also held that said secret letter/circular dated 04.03.2008 at Exh. U-43 is not applicable to the cases of internal selection of the employees of the First Party. So, in such circumstances, the Second Party is entitled to get open said sealed cover before the competent authority of the First Party i.e. General Manager of the First Party. If the result in said sealed cover found in favour of Mr. Suresh Dalvi, then he is entitled for grant of promotion with retrospective effect, seniority, full back salary in cadre of post to which he could be promoted with incidental benefits. I, therefore, answered Issue Nos. 2 to 4 in the negative and Issue Nos. 5 and 6 accordingly.

24. In the result, I pass following order :-

ORDER

- It is hereby declared that secret circular No. NB.HRMD.PA./6961-7038/PA-29/2007-08 dated 04.03.2008 is illegal and having no force of law.
- The Second Party is entitled for opening of sealed cover by General Manager of First Party in presence of Mr. Suresh Dalvi.
- If the result of Mr. Suresh M. Dalvi in sealed cover is found in his favour i.e. granting promotion to him, then the First Party is directed to grant promotion to him with retrospective effect from the date of his result with full back salary in the cadre of post to which he could be promoted with all incidental benefits.
- The reference is answered accordingly.
- No order as to the costs.
- The copy of Award be sent to the appropriate Government for its publication.

Place : Pune

K.N. GAUTAM, Presiding Officer

नई दिल्ली, 16 मई, 2023

का.आ. 815.—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इरकॉन इंटरनेशनल लिमिटेड के प्रबंधतत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, I-दिल्ली के पंचाट (110/2019) प्रकाशित करती है।

[सं. एल-41011/10/2019-आई आर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 16th May, 2023

S.O. 815.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 110/2019) of the Cent.Govt.Indus.Tribunal-cum-Labour Court I - Delhi as shown in the Annexure, in the industrial dispute between the management of M/s IRCON International Limited and their workmen.

[No. L-41011/10/2019- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

**Before the Justice Vikas Kunvar Srivastava (Retd.) Presiding Officer,
Government of India Ministry of Labour & Employment,
Central Government Industrial Tribunal
Cum – Labour Court-I, New Delhi**

ID No.110/2019

Shri Shakti Singh Rana and Sh. Shyam Lal
Through Delhi Karamchari Sangh, Head Office W4,
In front of Kalkaji Bus Depot, Govind Puri, New Delhi- 110019.

Workman...

VERSUS

1. M/s. IRCON International Limited,
C-4 District Centre, Saket,
New Delhi- 110017
2. M/s. Surya Infra Project Private Limited,
Shop No. 10, 1st Floor, A- Block,
Omaxe Gurgaon Mall, Sohan Road,
Gurgaon (Haryana)- 122018.
3. M/s. CMM Infraprojects Limited, 108,
Shalimar Corporate Centre, 8-B,
South Tukoganj,
Indore (M.P.) – 452001.

Management...

AWARD

In the present case, a reference was received from the appropriate Government vide letter No-L-41011/10/2019-IR(B.I) dated 16.04.2019 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

- “Whether Service of Sh.Shakti Singh Rana and Sh. Shyam Lal have been terminated w.e.f. 15.12.2017 & 27.12.2017 respectively by the management of M/s Surya Infra Project Private Limited, M/s CMM Infraprojects Limited a contractor the management of IRCON International Limited, illegally and / or unjustifiably and whether their earned wages have been withheld illegally and /or unjustifiably and if yes what relief is the workman entitled to and what direction are necessary in this regard?”
2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favor of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

JUSTICE VIKAS KUNVAR SRIVASTAVA (Retd.), Presiding Officer

नई दिल्ली, 16 मई, 2023

का.आ. 816.—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण / श्रम न्यायालय, धनबाद-II के पंचाट (29/2022) प्रकाशित करती है।

[सं. एल-39025/01/2023-आई आर (बी-II)-16]
सलोनी, उप निदेशक

New Delhi, the 16th May, 2023

S.O. 816.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.29/2022) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Dhanbad-II as shown in the Annexure, in the industrial dispute between the management of Allahabad Bank and their workmen.

[No. L-39025/01/2023- IR(B-II)-16]
SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD, SHRAM BHAWAN, MURLINAGAR, DHANBAD.

In the matter of I.D. under Section 2A of the Industrial Dispute Act, 1947.

ID NO. 29/2022

PARTIES

WORKMAN : Sri Rohit Kumar, S/o Late Sunil Ram

Vs.

MANAGEMENT : The General Manager/Zonal Manager, Zonal Office, Indian Bank/Allahabad Bank, 1st Floor, Govind Bhawan, Patna – 800001
The Branch Manager, Indian Bank/Allahabad Bank, Muradpur Branch, B.N. College, Patna.
The Branch Manager, Indian Bank/Allahabad Bank, Hanuman Nagar Branch, Hanuman Nagar, Patna – 800002.

ORDER

06.01.2022

A petition has been filed on 16.12.2022 under section 2A of the Industrial Dispute, 1947 and registered as ID 29/2022.

Provisions U/S 2A of Industrial Dispute Act, 1947 reads as following

“1. Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.”

2. Notwithstanding anything contained in section 10, any such workman as is specified in sub-section (1) may, make an application direct to the Labour Court or Tribunal for adjudication of the dispute referred to therein after the expiry of forty five days from the date he has made the application to the conciliation officer of the appropriate Government for the conciliation of the dispute, and in receipt of such application the Labour Court or Tribunal shall have powers and jurisdiction to

adjudicate upon the dispute, as if it were a dispute referred to it by the appropriate Government in accordance with the provisions of this Act and all the provisions of this Act shall apply in relation to such adjudication as they apply in relation to an industrial dispute referred to it by the appropriate Government.”

3. The application referred to in sub-section (2) shall be made to the labour court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-section (1).”

Whereas the petitioner has stated in his petition that he had been terminated from the service in the month of March, 2019 (specific date of March 2019 not mentioned) and whereas the petition U/S 2 A of the I.D. Act, 1947 has been filed on 16.12.2022, that is, beyond the expiry of three years.

As the dispute has been raised after expiry of statutory period of three years after claimed termination of the service of the workman (March, 2019), the application is time barred as per sub-section (3) of Section 2A of the Industrial Dispute Act, 1947. Hence, the instant petition registered as ID 29/2022 is rejected on the ground of period of limitation.

Dr. S.K. THAKUR, Presiding Officer

नई दिल्ली, 16 मई, 2023

का.आ. 817.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पूर्वतर रेलवे के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (26/2017) प्रकाशित करती है।

[सं. एल -41012/44/2016-आई आर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 16th May, 2023

S.O. 817.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.26/2017) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow as shown in the Annexure, in the industrial dispute between the management of Eastern Railway and their workmen.

[No. L-41012/44/2016-IR(B-I)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT

LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 26/2017

Ref. No. 41012/44/2016 dated 30.05.2017

BETWEEN

Working President, Rail Sevak Sangh

Shri D.P. Avasthi, 49 Tilak Nagar, Lucknow

Vs

1. The Mandal Railway Manager, Eastern Railway

Ashok Marg, Lucknow

2. Seniors Mandal Personal Officer, Eastern Railway

DRM Office Ashok Marg, Lucknow

AWARD

By order No. 41012/44/2016 dated 30.05.2017, the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute for adjudication with following schedule:

“क्या प्रबंधन, पूर्वोत्तर रेलवे, लखनऊ द्वारा श्री ज्ञानेन्द्र बहादुर पुत्र स्वा शोहरत, एक्स रेलवे कामगार की मृत्यु के उपरांत देय समापक का भुगतान उसके पुत्र को न करना करुणामूलक आधार पर नौकरी न दिया जाना न्यायोचित एवं वैध है? यदि नहीं तो वादी किस राहत को पाने का हकदार है?”

In pursuance to the above said reference, the workman on 16.08.2017 filed his claim statement, W-4, inter alia stating therein that father of applicant, Shohrat was a regular employee and was working on the post of Senior Trackman [Gangman] under senior section Workman for engineer [P. Way] previously designated as P.W.I. at North Eastern Railway, Biswa falls under administrative control of opposite parties, died during service on 31.01.2003.

It is further submitted in the claim petition that the wife of Late Sri Shohrat viz. had already died on 09.11.1986. In view of the above said factual background he made a request to the respondent for giving him compassionate appointment vide representations dated 28.03.2011, 06.06.2011, 21.03.2014, 22.05.2014, 19.11.2014 & 18.12.2014; but no heed has been paid; accordingly, be filed present adjunction case with following prayer:

“WHEREFORE as it is most respectfully prayed that this Hon’ble Tribunal may very kindly be pleased to answer the present reference in favour of claimant and against the management/ opposite parties and it is requested that claimant Gyanendra Bahadur the only son of deceased railway employee may be held entitled to receive payment of all retiral dues and also appointment on compassionate grounds in interest of justice.”

Sri Narendra Nath, learned counsel for the respondent, in rebuttal, placed reliance on the following facts as stated in the written statement:

“6. That in reply to the para 3 of the claim petition only this much is admitted that Smt. Phoolekali, the wife of the deceased employee late Shorat, had died on 09.11.1986. However it is absolutely denied that the applicant Sri Gyanendra Bahadur is her son and was born on 09.11.1986, when Smt. Phoolekali has died.

7. That the lies of the applicant with regard to his date of birth would be clear by the following contradictory documents:

(i) Marksheets of class 5 -2002-2003, issued by Hd. Master/ Pachpedwa, wherein date of birth as recorded is 01.07.1992 and the same is confirmed vide Hd. Master's letter dated 04.03.2016.

(ii) Mark sheet of Jr. High School 2007 issued by Maha Vidhyalay Haraiya, Chandrasi contains, date of birth as recorded therein is 09.11.1986.

The copy of the letter dated 04.03.2016, marksheets of Class-5, 2002-2003 and marksheets of Jr. High School 2007 are annexed herewith as Annexure No.1, 2 and 3 respectively.

8. That from the above documents mark sheets, the applicant has misled the railway administration as well as to the Hon’ble Court with regard to his date of birth as well as his paternity.

The copy of reply dated 17.05.2016 filed by Sr. D.P.O. N.E. Railway, Lucknow, before the Regional Labour Commissioner, Aliganj, Lucknow is annexed herewith as Annexure No.4.

.....
10. That in reply to the para 6 and 7 of the claim 10. petition, it is submitted that the minimum educational qualification for appointment in Railways is High School pass. The applicant is since only VIIth class pass, as such he is not eligible for appointment in Railways under the existing Rules.

The applicant has also, accordingly, been advised by Divl. Railway Manager (P), N.E. Railway, Lucknow (Opposite Party No.2) vide their letter No.E/1/227/3/dated 22.06.2018. The copy of letter dated 22.06.2018 is annexed herewith as Annexure No.5.

11. That in reply to the para 8 of the claim petition, it is submitted that with regard to payment of settlement dues of late Shohrat, ex employee, since the paternity of the applicant is doubtful,

hence he has been advised to submit declaratory decree from the competent Court of law vide letter dated 30.01.2019 issued by Divl. Rly. Manager,) N.E. Railway, Lucknow.

The photocopy of letter dated 30.01.2019 is annexed herewith as Annexure No.6.”

After hearing Sri Narendra Nath, learned counsel for the respondent and going through the record, the position which emerges out is that after death of Shohrat Ali who was working as Tack Man at Biswa with the respondent an application has been submitted by the workman for compensate appointment. As per the case of respondent along with his application he submitted a marksheets of class fifth for the year 2002-2003, issued by the Pradhanacharya, Harriaya, Distt. Balrampur in which the date of birth of the claimant was mentioned as 01.07.1992.

Another document which is annexed is mark sheet of Junior High School 2007, in which date of birth of the claimant was mentioned as 09.11.1986, issued by the Purv Madhyamik Vidhayalay, Harriaya, Chandausi.

In view of the above said facts and taking into the consideration the service record of late Sri Shaukat Ali in which he has mentioned that the mother of the claimant had died on 09.11.1986 and in the service record of late Sri Shaukat Ali has been mentioned name of his son as Virendra, so, so taking into consideration a notice dated 30.01.2019 has issued which reads as under:

‘पूर्वोत्तर रेलवे

कार्यालय

मण्डल रेल प्रबन्धक (काठौ)

लखनऊ।

दिनांक 30.01.2019 सेवा में,

श्री ज्ञानेन्द्र बहादुर

पुत्र स्व० सोहरत ग्राम मझौली पो० गैसड़ी जिला बलरामपुर।

विषय: घोषणात्मक प्रमाण-पत्र प्रस्तुत करने के सम्बंध में।

आपके द्वारा इस मण्डल कार्यालय में समापक भुगतान हेतु आवेदन किया गया था। इसके सन्दर्भ में आपको सूचित किया जाता है कि आप सक्षम न्यायालय में घोषणात्मक वाद दाखिल कर घोषणात्मक डिग्री प्राप्त कर इस कार्यालय में उपलब्ध करायें जिससे आपके मामले में उचित प्रशासनिक निर्णय लिया जा सके। इस पर सक्षम अधिकारी का आदेश प्राप्त है।

ह० (अपठित)

कृते मण्डल रेल प्रबन्धक (कार्मिक)

पूर्वोत्तर रेलवे, लखनऊ। “

However, no reply has been submitted by the claimant.

Thus, taking into consideration, the above said facts as well as the fact that neither any rejoinder affidavit nor oral/documentary evidence have been filed on behalf of the claimant to support his claim, as such, the adjudication case is liable to be dismissed in view of the law as laid by Hon'ble High Court in the case of *V. K. Raj Industries v. Labour Court (I) and others 1981 (29) FLR 194* as under:

“It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service it is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief.”

In the case of *M/s Uptron Powertronics Employees' Union, iabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164* Hon'ble Allahabad High Court has held as under:

“The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P.

and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led.”

Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519** has held as under:

“The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed.”

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

LUCKNOW.

JUSTICE ANIL KUMAR, Presiding Officer

21st April, 2023.

नई दिल्ली, 16 मई, 2023

का.आ. 818.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर पूर्वतर रेलवे के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (57/2015) प्रकाशित करती है।

[सं. एल -41012/72/2014-आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 16th May, 2023

S.O. 818.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.57/2015) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow as shown in the Annexure, in the industrial dispute between the management of North Eastern Railway and their workmen.

[No. L-41012/72/2014-IR(B-I)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT

LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 57/2015

No. L-41011/72/2014-IR(B-I) dated 31.08.2015

BETWEEN

Aanchal Sangthan Secretary, Rail Sevak Sangh, North Eastern Railway, C/o Shri D.P. Awasthi, 49 Tilak Nagar, Lucknow - 226004

Vs

1. The Sr. Divisional Personnel Officer, North Eastern Railway
DRM Office, Ashok Marg, Lucknow

2. Coaching Department Officer, North Eastern Railway

Lucknow

AWARD

By order No. No. L-41011/72/2014-IR(B-I) dated 31.08.2015, the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute for adjudication with following schedule:

“क्या प्रबंधन, पूर्वोत्तर रेलवे, लखनऊ द्वारा श्री अनवर श्री अली पुत्र श्री दिलशेर रिटायर्ड को लारजस योजना में नियुक्ति न दिया जाना न्यायोचित एवं बैध है? यदि नहीं तो कामगार/श्रमसंघ किस राहत को पाने का हक्कदार है?”

Facts of the case:

Brief facts of the case are as under:

(a) The claimant/workman Shri Dilsher was appointed in group 'D' service as Khalasi on 24.04.1982 promoted to the post of Helper Khalasi in the same group of service under coaching depot officer Carriage & Wagon) NER, Lucknow, which is classified under Safety Category.

(b) While working as helper Khalasi under opposite Parties the Railway management formulated a policy for "Safety Related Retirement Scheme" Covering the employees Pay of safety categories with grade of Rs. 1800 vide its letter dated 01.01.2013 as per the said Scheme the workman who on working in Safety Category may submit their applications for appointment of their one Son in class IV cadre Subject to the condition that they voluntarily retire, with condition that the workman submitting the said application should have completed more than 20 years of the service on the cutoff Date for eligibility which was fixed as 01.01.2013.

In pursuance of the said notification the workman/Dilsher submitted his application on 18.01.2013 for seeking appointment of his son Anwar Ali under the said LARSGESS Scheme.

(c) As the per the case of the claimant/workman, his son, Anwar Ali, was allowed to appear in the test for selection against the said group 'D' Post and was found suitable for appointment of Khalasi which is group 'D' Post.

However, due to his illness he was transferred and posted in the signal Department against the Post of Chaukidar vide letter dated 25.02.2014 which is classified as non-safety category in Railways.

(d) Accordingly it has been prayed by the claimant that his son was entitled for appointment/posting under LARSGESS SCHEME on the basis of cutoff date 01.01.2013 but opposite parties declined to consider the appointment/posting of his son Anwar Ali in LARSGESS SCHEME despite the fact that workman was fully entitled to get the benefit of appointment of his son under the LARSGESS SCHEME on the basis of requisite eligibility on cutoff date i.e. 01.01.2013.

On behalf of the respondent in its written statement it has been pleaded as under:

Claimant while posted as helper Khalasi under Chief Depot Officer (in short C.D.O.) N.E. RI.y, Lucknow, was declared medically unfit for the post of helper Khalasi falling under B-1 Medical Category by the Chief Medical Supdt. N.E. Rly., Badshahnagar, Lucknow vide their Medical Certificate dated 12.10.2012.

However, the claimant had requested vide his application dated 24.12.2012 for re-medical examination. And pursuant to his application dated 24.12.2012 a medical Board was constituted to re-examine the applicant. The medical Board after re-examination of the applicant also found that applicant was unfit for medical category B-1, B-2 and C-1; however, found fit for C-2 medical category vide medical board's recommendation dated 04.07.2013.

Keeping in view the said facts, applicant was medically decategorised for the post of helper Khalasi, was posted as Chowkidar in the signal Deptt. in pay Band 5200- 20000+ 2000 G.P. under Sr. Sec. Engineer/ Sig./ Aishbagh vide office order dated 25.02.2014.

And after his medical decategorization being unfit from the post of Helper Khalasi w.e.f. 12.10.2012 vide Chief Medical Superintendent's Certificate dated 12.10.2012, applicant applied for appointment of his son Anwar Ali under the Scheme of the Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (in short LARSGESS Scheme) vide application dated 18.01.2013.

It is specifically stated in the written statement that the scheme of LARSGESS was introduced by Railway Board for the benefit of Staff of Safety Categories only.

Further, the medical certificate dated 12.10.2012 issued by Chief Medical Superintendent, N.E. Rly., Badshahnagar would show that the applicant was declared medically unfit for the post of Helper Khalasi w.e.f. 12.10.2012. Thereafter he did not work as helper Khalasi.

Accordingly, it is submitted on behalf of the respondent that after his medical decategorization being medically unfit for the safety category post of helper Khalasi w.e.f. 12.10.2012, the applicant was no more in the cadre of Helper Khalasi.

And applicant also did not seek his voluntary retirement after his medical decategorization and joined duty on an alternative job of Chowkidar, a non-safety category post. Moreover, a candidate qualifying the written test or included in the panel has no right to appointment. Accordingly, it has been pleaded that claim as filed by the applicant is *prima facie* misconceived and devoid of merit, hence deserved to be summarily dismissed.

After filing of statement of claim on behalf of claimant on 18.11.2015 and written statement on behalf of respondent on 09.09.2016, rejoinder affidavit was filed on 27.10.2016.

On 09.02.2017 on behalf of the respondent following documents were filed by way of application, M-10:

- (1) *ADMO, NE Rly, Aishbaagh's letter dated 19.10.2012.*
- (2) *Medical Certificate dated 12.10.2012, 4.7.2013 and 5.7.2013.*
- (3) *Divl. Rly, Manger (P) NE Rly, Lucknow's letter Dt. 25.2.2014.*
- (4) *Application Dt. 18.1.2013 by Sri Dilsher."*

On 24.4.2017, on behalf of the workman following documents were filed, on record as W-11:-

1. *Application for appointment showing cut off date 01.01.2013.*
2. *Selection list showing name of Anwar Ali at serial no. 116.*
3. *Letter dated 26.08.2003 issued by Divisional personnel officer addressed To C.D.O. NER Lucknow.*
4. *Letter dated 20.04.2014 showing de- Categories Dates posting from C & W depot to signal Department"*

Thereafter workman Dilsher filed his evidence on affidavit (examination-in-chief) on 09.09.2017, was cross-examined on 23.02.2018.

On behalf of respondent the evidence by way of affidavit (examination-in-chief) of following persons have been filed: (a) Rahul Yadav, the then Assistant Personnel Officer, NER, Lucknow on 21.01.2018; (b) R.K. Pandey, Assistant Personnel Officer, NER, Lucknow on 25.02.2019; (c) Ravi Kant Mishra, Assistant Personnel Officer, NER, Lucknow on 25.05.2019; and (d) Anand Kumar, Assistant Personnel Officer, NER, Lucknow on 18.02.2020.

When the matter was taken up for hearing none appeared on behalf of claimant in spite of the fact that notices were sent to him for ex-parte hearing.

Accordingly, I have heard Sri Narendra Nath, learned counsel for respondent and gone through the record.

Core question to be decided in the present case whether the prayer as made by the claimant for seeking employment of his son under the scheme known as "LARSGESS Scheme", he is entitled to the same or not?

In order to decide the said controversy, it is relevant to state the relevant schemes which is as follows:

- "RBE No. 4/2004.
No. E(P&A) I-2001/RT-2(KW) New Delhi, dated 02.01.2004.
The GM/CAOS/OSDS
All Indian Railways & Production Units etc (As per mailing list)*

Sub: Safety Related Retirement Scheme - Drivers and Gangmen

Arising out of deliberations in the Workshop on Safety on Indian Railways conducted on 12th and 13th of July, 2003 the Ministry of Railways have decided to introduce a Safety Related Retirement Scheme for the categories of Gangmen and Drivers.

2. *The main features of the Scheme are as follows:-*

- (i) *The Scheme may be called Safety Related Retirement Scheme. The Scheme will cover two safety categories viz, Drivers (excluding shunters) and Gangmen whose working has a critical bearing on safety of train operations and track maintenance. The scheme has been*

framed on the consideration that with advancing age, the physical fitness and reflexes of staff of these categories deteriorate, thereby causing a safety hazard.

Drivers: *This category is directly responsible for the running of trains. Running duties demand continued attention and alertness. The element of stress combined with uncertain hours of work entailed in the performance of running duties over long periods of time tend to have a deleterious psychosomatic effect on their health. There is a slowing down of reflexes with the passage of time making them vulnerable to operational lapses.*

Gangmen: *This category is responsible for the proper maintenance of tracks. Their duties involve heavy manual labour in the laying of tracks, repair of tracks, patrolling etc. Unlike workshops/locosheds, all this labour is performed in the open environment, they are subjected to the vagaries of extreme weather conditions, non- availability of fork lifts, EOT cranes, wheel barrow etc. As a result the infirmities associated with the aging processes and spinal and back problems catches up quite early in life.*

These categories, work in conditions, in which fatigue sets in earlier, than in the case of staff who work indoors or within station limits or in depots and workshops. Although the other categories nomenclatured as safety categories also have a vital role to play in ensuring operational safety, the nature of their duties, is less arduous. Therefore no other category other than Gangmen and Drivers is included in the Scheme. For the same reason, shunters who perform less strenuous, shift wise, duties within station yards, will also not be included in the scheme.

(ii) *Under the Scheme, Drivers and Gangmen in the age group of 50 to 57 years may seek retirement.*

(iii) *Employment to a suitable ward of the employee, whose application for retirement under the scheme is accepted, will be considered.*

(iv) *The employee should have completed 33 years of qualifying service in order to be eligible for seeking retirement under this scheme.*

(v) *The request for retirement will be on a voluntary basis and there will be no element of compulsion on the part of the Administration.*

(vi) *The ward will be considered for appointment only in the lowest recruitment grade of the respective category from which the employee seeks retirement, depending upon his/her eligibility and suitability, but not in any other category.*

(vii) *Applications from those who propose to retire under this scheme will be taken once in a year. The cut off date for reckoning the eligibility of employees for seeking retirement under this scheme will be 30th June of the respective year. All conditions of appointment for the ward of such retirees such as age limits, educational qualifications etc will also be determined with reference to that date.*

(viii) *The last date for submission of requests for retirement and consideration of, a ward for appointment under the scheme, will be the 31st of July of the *respective year.*

(ix) *Employees who desire to withdraw their requests for retirement may be allowed to do so, not later than 30 September of the respective year. No request for withdrawal of request will be entertained thereafter.*

(x) *The discretion to accept the request for retirement will vest with the administration depending upon the shortage of staff, physical fitness and the suitability of the ward for appointment in the category of Driver/Gangmen as the case may be.*

(xi) *Those who have completed 33 years of qualifying service and are in the age group of 55 to 57 years would be considered in the first phase of the scheme to be followed by those in the age group of 53 years onwards but less than 55 years.*

(xii) *The conditions of eligibility, In the case of wards, being considered for appointment would be the same as prescribed for direct recruitment from the open market.*

(xiii) Suitability of the wards will be assessed in the same manner as is being done in the case of direct recruitment. The assessment will be done through respective Railway Recruitment Boards. The request of the employee for retirement under this scheme would be considered only if the ward is considered suitable for appointment in all respects, including medical fitness.

(xiv) Since the Safety Related Retirement Scheme is a package having no nexuses with any of the existing schemes, no weightage towards qualifying service will be admissible to the employee who seeks retirement under this scheme. The wards appointed under this scheme will not be allowed to change their category, except as is being allowed under the already existing rules.

(xv) For the purpose of reckoning eligibility for residential accommodation, wards appointed under this scheme will be treated at par, with those appointed through direct recruitment, from the open market; the terms of regularization of accommodation as applicable to the wards of employees appointed on compassionate basis, will not be applicable in their case.

3. After the successful Implementation of the first phase of the scheme, the implementation of the second phase covering employees with less than 33 years of qualifying service would be considered for clearance by the Railway Board.

4. The Scheme will come into force from the date of issue of this letter.

5. This issues with the concurrence of the Finance Directorate of the Ministry of Railways.”

“No E(P&A)1-2004/RT-5 New Delhi, dated 12-03-2008.

The General Manager,

All Indian Railways.

Sub: Safety Related Retirement Scheme – Drivers and Gangmen.

The Safety Related Retirement Scheme (SRRS) for the categories of Drivers and Gangmen who are directly involved in operation of trains has been introduced vide Board's letter No. E(P&A)1-2001/RT-2 (KW) dated 02.01.2004. This scheme has been introduced on the consideration that with advancing age the physical fitness and reflexes of staff of these categories deteriorates, thereby causing a safety hazard. The employees of the said categories within the age group of 55-57 years can seek retirement under the scheme. Such employees are compensated by offering job to their suitable wards in the respective categories.

2. The cut off date for reckoning the eligibility of a railway employee and his ward is 30th June. The last date for submission of requests is 31st July and the last date for withdrawal of such requests is 30th September of the respective year. The requests under the SRRS are thereafter to be processed by the railways accordingly. Request for retirement may be accepted only if the ward is found suitable for recruitment in all respect including medical fitness. As such, retirement of the employee and recruitment of the ward take place simultaneously.

3. In view of the upper age limit for the employees seeking retirement, the process of recruitment of wards required to be completed by the end of the respective year so that the concerned employees should not cross upper age limit maximum by more than six months. Instruction in this regard were also issued vide Board's letter of even number dated 25.7.06.

4- It has come to the notice that the instructions conveyed vide Board's letter dt. 25.07.2006 are not being followed by the Railways and they are taking much time in completing the process of recruitment of the wards with the result the concerned employees cross upper age limit by more than 1-2 years. As such the purpose of introduction of the scheme is being defeated.

5 Board has taken a serious view in the matter. It is, therefore, re-iterated that process of recruitment of eligible wards of the eligible employees should be completed well in time so as the retirement of the employee and recruitment of the ward take place by 31st December of the respective year positively as per the time schedule enclosed.

6. Further while submitting the panel of successful wards for recruitment to the competent authority for approval, the concerned CPO should also certify that he was personally satisfied that the whole process of recruitment of wards has been completed within the time schedule fixed by Railway Board."

"RBE No. 131/2010.

No. E(P&A)I-2010/RT-2 New Delhi, dated 11.09.2010.

The General Managers, All Indian Railways.

Sub: Safety Related Retirement Scheme covering safety categories with Grade Pay of .1800/-.

Please refer to Board's letter No. E(P&A)I-2001/RT-2 (KW) dated 02.01.2004 regarding introduction of Safety Related Retirement Scheme (SRRS) for Drivers and Gangmen,

2. It has now been decided to extend the benefit of Scheme to other safety categories of staff with a grade pay of Rs. 1800/-p.m. The qualifying service has been reduced from 33 years to 20 years and the eligibility age group from 55-57 years to 50-57 years for seeking retirement under the Scheme in the case of Safety categories with Grade Pay of 1800. The list of Safety categories covered under the Scheme is enclosed as Annexure.

2.1 It has also been decided to modify the nomenclature of the Scheme as Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS) with Grade Pay of .1800. However, the employment under the Scheme would be guaranteed only to those found eligible/suitable and finally selected as per procedure.

3. The condition of qualifying service (i.e. 33 years) and age group (i.e 55-57 years) for Drivers will remain unchanged.

4. It is also reiterated that the retirement of the employee be considered only if the ward is found suitable in all respects. Retirement of the employee and appointment of the ward should take place simultaneously.

5. The other terms and conditions of the Scheme will remain unchanged.

6. This issues with the concurrence of the Finance Directorate of the Ministry of Railways."

Reverting to the facts of the present case, admitted position which emerges out that applicant while posted as helper Khalasi in Chief Depot Officer, in NER was declared medically unfit, in this regard a certificate dated 12.10.2012 was issued by the Medical Superintendent, Northern Railway, Badshah Nagar, Lucknow, a copy of which is filed as annexure No. 1 to the written statement.

Thereafter, applicant again made a request for re-medical examination by application dated 14.12.2012.

Accordingly, he was re-examined by the Medical Board and in this regard medical report was filed by the respondent dated 04.07.2013 (annexure no. 2). And as per the said report he was found unfit for medical category B-1, B-2 and C-1; however, found fit for C-2 medical category.

Accordingly, he was given appointment on the post of Chowkidar and worked, discharged his duties on the said post (Chowkidar) even after 57 years.

As per facts on record, in order to entitled the benefit for LARSGESS Scheme employee has to be working on the post which falls under safety category with Grade Rs. 1800/-, getting employment of his son, provided he/employee having age of 55-57 years, also opt for voluntary retirement.

Needless to mention herein that from the material on record the positon which emerged out, applicant does not come within the ambit of the said Scheme i.e. LARSGESS Scheme because, he has not submitted voluntary retirement which is one of the mandatory condition of Scheme and worked as Chowkidar even after the age of 57 years when he was medically decategorised as C-2 and appointed on the said post. So, it is evident from the cross-examination of the claimant which took place on 23.02.2018, relevant portion of the same is quoted herein below:

“वर्तमान में वर्तमान में मैं चौकीदार के पद पर o/o Section Engineer (Signal), NER, Lko में कार्यरत हूं इसके पूर्व में मैं LKo Jn. में CDO के आधीन खलासी के पद पर कार्य था।

मुझे light duty लिखकर Medical Board ने भेजा था, मैं नहीं बता सकता कि B-1, B-2 category में unfit घोषित हुआ था या नहीं।

यह कहना सही है कि मैंने VRS Scheme Opt की थी। कागज सं. 10/8 में द्वारा दी गई एप्लीकेशन है जिसे CDO ने 18.01.2013 को forward किया है।

मैंने उक्त application कागज सं. M-12/1 – 12/2 के अनुपालन में दी थी। यह कहना गलत है कि मेरी नियुक्ति चौकीदार के पद पर 25.02.2014 को हुई। खुद कहा 21.03.2014 को चौकीदार के पद पर नियुक्ति हुई।

कागज सं. 8/15 के अनुसार मुझे चौकीदार के पद पर कार्य करने हेतु आदेशित किया गया। यह सही है कि मैंने VRS ना लेकर चौकीदार के पद पर कार्य किया। मैंने मौखिक रूप से चौकीदारी का कार्य ना कर सकने की असमर्थता जाहिर की थी।”

JUSTICE ANIL KUMAR, Presiding Officer